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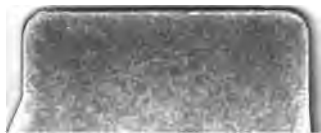
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LIFE.



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BUSINESS LIFE.

BUSINESS LIFE

THE

EXPERIENCES OF A LONDON TRADESMAN

WITH

PRACTICAL ADVICE AND DIRECTIONS FOR AVOIDING MANY OF
THE EVILS CONNECTED WITH OUR PRESENT COMMERCIAL
SYSTEM AND STATE OF SOCIETY

SECOND EDITION

LONDON

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INTRODUCTION.

THE writer of the following pages, during an unusually chequered career in business of about twelve years, has often looked around him for some manual or treatise to which he could fly for guidance in times of sudden loss, difficulty, or danger, and even in times of prosperity and elation in business; but he has always looked in vain. It may seem strange to many, that a man possessing the nerve and energy which these experiences testify to should have fallen into the difficulties he has done; but, believing that most of them might have been prevented, had he possessed some relative of experience to guide him, who was fully aware of all the circumstances, or been able to turn to some short, safe, and truthful source of information on the different cases, he, after some years' hesitation whether a history of his life would not be beneficial to young tradesmen, has decided on the present form of experiences, hoping that the practical advice, illustrations, and forms appended thereto may be made useful, and save many of his fellow men, and young tradesmen especially, from the fearful anxieties he has suffered.

The main intent of the author is to lay down certain rules or principles of action, to show, by illustration, how their adoption or rejection has operated in his experience, and to supply information to those who know not where to apply for advice in certain circumstances.

No attempt has been made at style or harmony of composition, but the thoughts of the writer have been thrown together, as they occurred to his mind in the railway carriage or the office, and not merely to please the taste or amuse the reader. He makes no apology for sending this, his first attempt as an author, into the world anonymously, although he condemns anything secret and not plain and straightforward on the face of it; but it would have been most imprudent, as he is in business, and likely to remain so for many years (being now only thirty-six), to have allowed himself to be identified.

ADVERTISEMENT TO THE SECOND EDITION.

THE circumstance that the first edition was sold on the day of publication will, it is hoped, be a sufficient excuse for the author not immediately redeeming his promise to enlarge the work. In consequence of some remarks made by friends, he is induced to mention that every statement contained in the following pages is literally true. He has not drawn, to the slightest extent, upon his imagination for his facts.

BUSINESS LIFE.



DECISION.

I COMMENCE with this word of mighty import! I almost dread to write its several letters, every one of which affects the fate of every being in the universe. On its proper and just operation on the human mind, what mighty destinies depend! Is it that a Napoleon *decides* to make war, or that I decide on a given course of action? *results*, facts, circumstances, having a bearing on our whole life and our hereafter life, are affected by that volition. To be decided, in the higher and better sense of the word, is synonymous with a whole and full declaration that a man's life shall be all that God and man could wish it to be, so far as our infirmities allow here below. To be undecided is to be left like a ship at sea, without chart or compass, exposed to unknown dangers; but, worse than all, suffering the terrors of what is unknown. Who can attempt to estimate the amount of suffering we undergo from ascertained evils? And is it not a fact, that we suffer more from those we dread and anticipate than from those we actually undergo? If we reflect for a moment, we shall be ready to admit that a vast amount of these latter would have been saved to us if we had been *decided*. If it be true that

it is love controls the world, it is decision which shapes and fashions its every revolution. Without a decided course of action, be it said with reverence, on the part of the Maker of the Universe, one immense, immediate, and irrevocable chaos must instantly ensue. And, as far as man's material interests are concerned, the analogy is complete. How often have we seen one false step, thoughtlessly or undecidedly taken, produce an effect in a man's circumstances as fatal as that which would result from the falling out of its orbit of one of our own planets ! I know a ready assent will be given to the argument—it is impossible to resist it ; but the great point is to enable you to so understand its necessity as to induce you to resolve on being decided. I shall have done little good unless I can so convey to you practical rules and illustrations as to enable you to seize and embody them in your daily life. A thoroughly decided man it is known is a respected man. His word to some extent is as a law. His connexions or dependants not only do as he bids or wishes, but they do it confidently. He has the advantage also—and no small one in matters of business—of an amount of *prestige*, which in some cases compensates for ability. Let a man, known as a decided man, attempt any unusual adventure or business, where another would be laughed down ; for him the world will observe a respect and show a deference before unknown. Can this be wondered at, as being a decided man, and a thoughtful man, or one of sound judgment, are terms in effect the same ? Can you doubt these facts ? Only ask who are the real ruling men in all our public matters ? Who are the looked-up-to in families ? Who among nations ?

In addition to this, there is the saving effected and advance actually made by a man who is decided. Shall I instance cases? You must every day read of it in fires, shipwrecks, and various accidents, where the man of decision, or, as he is sometimes called, of action, instantly commences some definite course of conduct. Was not this admirably illustrated in the wreck of the "Royal Charter," where that noble Maltese youth, without hesitation, finding all hope of saving the ship gone, jumped into the boiling surges with the line, and saved some of the company, all of whom must otherwise have perished? It is to assist persons who may be in circumstances sometimes almost as bad as a shipwreck that I attempt to write these experiences: the object is not to write an essay, but to supply facts and reasons.

No man can be decided (he may be obstinate) who has not a firm conviction that, having well weighed the circumstances, he has decided on the *right course*. He cannot well and correctly estimate circumstances unless he trains his mind. The study of languages or music greatly assists to train the mind to order, as also the game of chess. It is necessary to think and weigh to a conclusion; to indulge even trains of thought, one after another, and arrive at no conclusion, is utterly useless. Therefore, take pen, ink, and paper, and put down your reasons on both sides. There must be a preferable course under every circumstance in life, and if you train your mind to think, and your will to decide, you have every reason to consider you have decided on the right, and you will have the consolation and support of that thought, which means something very different from the half-idiotic notion—"Well, what I have

done I did for the best, and I hope it will turn out lucky;" and here let me express my firm conviction that that word is a simple absurdity. There is no such thing as "luck" in the universe. All is either specially ordained by our Maker, or is the result of your or some other person's conduct directly affecting your interests. The nearest approach to what people call "luck" I am sure in this world is law, called the glorious *uncertainty* of the law—about which I shall have something to say hereafter,—and this results from want of the very principle I am inculcating, as no two sets of judges can *decide* what is and what is not law, and even worse than that, it too often happens a jury cannot *decide* the facts. But in commercial matters all ought to be *certainly*. You have no right to attempt to carry out a single transaction, or to make a single promise, unless you are certain. To put it plainer, would you give a cheque to a creditor, which he told you he intended instantly to cash, when you know you have no effects? I need not dwell on these matters. I want you to think them out; and I now come to your great difficulty—where the reasons are evenly balanced. A leaf from my own experience, the principles on which I have acted for fifteen years and never regretted, will best illustrate it.

I held a Government appointment, at a moderate but slowly-increasing salary; that appointment *might*, in a few years, have brought a better. I improved my mind and powers of expression at a Young Men's Mutual Improvement Society (would that more young men did the same!) and worked myself into an evening employment of more than half the value of my other. I had an offer of a Secretaryship to a Public Company

then forming, which promised great things if it only *succeeded*. I must give up the Government one if I took the Company's. My friends and relations opposed it; my fears opposed it; my *wishes favored it*. The conflict in my mind was the most painful one I have ever had, and, on consulting my dearest friend for about the hundredth time, he said, "Well, now, do not ask my advice; I will not give it: the risk of a mistake is such as your friends would never let me hear the last of; but as you are a sensible clear-headed young man, decide yourself one way or the other, and put yourself out of your misery. I would only suggest that, having so thoroughly weighed the reasons on both sides, as you must have done, if they are so evenly balanced in your mind, it cannot matter a straw *which way* you decide." The next morning I resigned my appointment under Government, and have ever since acted on this principle, and the relief in the most trying scenes of life has been immense. "Sometimes a single occurrence decides the whole future course of a man's life," as is said to have been the case with Whittington on hearing the sound of Bow bells. In following this precept, recollect that you well weigh your reasons.

Again, before deciding, take care that you get the best and most extensive information on all the facts, to enable you to take a correct view of the whole. Can I illustrate this more familiarly than by the case of Peter the Great, who, in going into one of our Courts of Law, and, hearing one side, condemned the prisoner instantly; but, on hearing the other—for he had no idea of such law as that—he completely altered his opinion? It is said he was so disgusted at the system of our Law

Courts that, on going home to Russia, he inquired how many lawyers he had in his kingdom, and ordered all but *one* in every principal town instantly to quit that lying avocation, as he saw no good in one set of lawyers getting up to state one thing, and another to contradict it. What a mighty blessing it would be to England if this, her plague-spot, could be removed in some such summary manner!

When you have made your *decision*, abide by it. To a constant perseverance in a certain line of action the fortunes of our greatest men are ascribed. It is a true saying, "the rolling stone gathers no moss," and depend upon it, however inferior the talents, purpose, or calling, if you only *keep on*, you must, in the end, succeed. But here I shall at once be met by the question (there lies the whole secret): I can't keep on long enough. True, but if you had been a man of thought or decision you need not have had to ask it. You would never have been in that sphere, or have taken up that speculation.

The decision of Satan, in Milton's "Paradise Lost," is represented as consolidated by his reflections on his hopeless banishment from Heaven, which oppress him with sadness for some moments, but he soon resumes his invincible spirit, and utters the impious but sublime sentiment, "*What matter where, if I be still the same?*" To an amount scarcely known is the realisation of the principle involved in these words capable of a mighty influence in our lives. Every man should feel he is the arbiter of his own destiny. He should understand that he is and must be the founder and director of his own future. Can a more striking instance of this conviction be afforded than the pre-

sent position of the Emperor Napoleon, and the extraordinary confidence he has exhibited in his career, or, as he terms it, his "Star of Destiny?" How contrary to the following supposed character, which, with the remaining portion of this chapter, is extracted from Mr. John Foster's magnificent essay on "Decision of Character," a book which has had more real influence on my life than any other, except the Bible. I recommend you to get it, and read it at least once every year.

Without decision of character a human being, with powers at best but feeble, and surrounded by innumerable things tending to perplex, to divert, and to frustrate their operations, is indeed a pitiable atom, the sport of divers and casual impulses. It is a poor and disgraceful thing not to be able to reply, with some degree of certainty, to the simple questions: What will you be? what will you do?

A little acquaintance with mankind will supply numberless illustrations of the importance of this qualification. You will often see a person anxiously hesitating a long time between different or opposite determinations, though impatient of the pain of such a state, and ashamed of the debility. A faint impulse of preference alternates toward the one and toward the other; and the mind, while thus held in a trembling balance, is vexed that it cannot get some new thought, or feeling, or motive; that it has not more sense, more resolution, more of anything that would save it from envying even the decisive instinct of brutes. It wishes that any circumstance might happen, or any person might appear, that could deliver it from the miserable suspense.

In many instances, where a determination is adopted, it is frustrated by this temperament. A man, for example, resolves on a journey to-morrow, which he is not under an absolute necessity to undertake, but the inducements appear this evening so strong that he does not think it possible he can hesitate ; in the morning, however, these inducements have unaccountably lost much of their force. Like the sun that is rising at the same time, they appear dim through a mist ; and the sky lowers, or he fancies that it does, and almost wishes to see darker clouds than there actually are ; recollections of toils and fatigues, ill repaid in past expeditions, rise and pass into anticipation ; and he lingers, uncertain, till an advanced hour determines the question for him, by the certainty that it is too late to go. Perhaps a man has conclusive reasons for wishing to remove to another place of residence ; but when he is going to take the first actual step towards executing his purpose, he is met by a new train of ideas, presenting the possible, and magnifying the unquestionable disadvantages and uncertainties of a new situation ; awakening the natural reluctance to quit a place to which habit has accommodated his feelings, and which has grown *warm* to him (if I may so express it) by his having been in it so long, giving a new impulse to his affection for the friends whom he must leave, and so detaining him, still lingering, long after his judgment may have dictated to him to be gone.

A man may think of some desirable alteration in his plan of life, perhaps in the arrangements of his family, or in the mode of his intercourse with society.

Would it be a good thing? He thinks it would be a good thing. It certainly would be a very good thing. He wishes it were done. He will attempt it *almost* immediately. The following day he doubts if it would be quite prudent. Many things are to be considered. May there not be in the change some evil of which he is not aware? Is this a proper time? What will people say? And thus, though he does not formally renounce his purpose, he shrinks out of it with an irksome wish that he could be fully satisfied of the propriety of renouncing it. Perhaps he wishes that the thought had never occurred to him, since it has diminished his self-complacency, without promoting his virtue. But, next week, his conviction of the wisdom and advantage of such a reform comes again with greater force. Then, is it so practicable as he was at first willing to imagine? Why not? Other men have done much greater things; a resolute mind may brave and accomplish everything; difficulty is a stimulus and a triumph to a strong spirit: "The joys of conquest are the joys of man." What need he care for people's opinion? It shall be done. He makes the first attempt; but some unexpected obstacle presents itself. He feels the awkwardness of attempting an unaccustomed manner of acting; the questions or the ridicule of his friends disconcert him; his ardour abates and expires. He again begins to question whether it be wise, whether it be necessary, whether it be possible; and at last surrenders his purpose, to be perhaps resumed when the same feelings return, and to be in the same manner again relinquished.

While animated by some magnanimous sentiments,

which he has heard or read, or while musing on some great example, a man may conceive the design, and partly sketch the plan, of a generous enterprise ; and his imagination revels in the felicity, to others and himself, that would follow its accomplishment. The splendid representation always centres in himself as the hero who is to realise it.

In a moment of remitted excitement a faint whisper from without may doubtfully ask—Is this more than a dream ; or am I really destined to achieve such an enterprise ? Destined ! and why is not this conviction of its excellence, this conscious duty of performing the noblest things that are possible, and this passionate ardour enough to constitute a destiny ? He feels indignant that there should be a failing part of his nature to defraud the nobler, and cast him below the ideal model and the actual examples which he is admiring ; and this feeling assists him to resolve that he will undertake this enterprise, that he certainly will, though the Alps and the ocean be between him and the object. Again his ardour slackens ; distrustful of himself, he wishes to know how the design would appear to other minds ; and when he speaks of it to his associates, one of them wonders, another laughs, and another frowns. His pride, while with them, attempts a manful defence ; but his resolution gradually crumbles down towards their level ; he becomes in a little while ashamed to entertain a visionary project, which therefore, like a rejected friend, desists from intruding on him, or following him, except at lingering distance ; and he subsides at last into what he labours to believe, a man too rational for the schemes of ill-cal-

culating enthusiasm. And it were strange if the effort to make out this favourable estimate of himself did not succeed, while it is so much more pleasant to attribute one's defects of enterprise to wisdom, which, on mature thought, disapproves it, than to imbecility which shrinks from it. A person of undecisive character wonders how all the embarrassments in the world happened to meet exactly in *his* way, to place him just in that one situation for which he is peculiarly unadapted, but in which he is also willing to think no other man could have acted with facility or confidence. Incapable of setting up a firm purpose on the basis of things as they are, he is often employed in vain speculations on some different supposable state of things, which would have saved him from all this perplexity and irresolution. He thinks what a determined course he could have pursued if his talents, his health, his age had been different; if he had been acquainted with some one person sooner; if his friends were, in this or the other point, different from what they are; or if Fortune had showered her favours on him. And he gives himself as much license to complain as if all these advantages had been among the rights of his nativity, but refused, by a malignant or capricious fate, to his life. Thus he is occupied, instead of marking, with a vigilant eye, and seizing, with a strong hand, all the possibilities of his actual situation.

A man without decision can never be said to belong to himself; since, if he dared to assert that he did, the puny force of some cause, about as powerful, you would have supposed, as a spider, may make a seizure of the hapless boaster the very next moment, and

contemptuously exhibit the futility of the determinations by which he was to have proved the independence of his understanding and his will. He belongs to whatever can make capture of him ; and one thing after another vindicates its right to him by arresting him while he is trying to go on ; as twigs and chips, floating near the edge of a river, are intercepted by every weed, and whirled in every eddy. Having concluded on a design, he may pledge himself to accomplish it, if the hundred diversities of feeling which may come within the week will let him. His character precluding all foresight of his conduct, he may sit and wonder what form and direction his views and actions are destined to take to-morrow—as a farmer has often to acknowledge that the next day's proceedings are at the disposal of its winds and clouds.

This man's notions and determinations always depend very much on other human beings ; and what chance for consistency and stability, while the persons with whom he may converse or transact are so various ? This very evening he may talk with a man whose sentiments will melt away the present form and outline of his purposes, however firm and defined he may have fancied them to be. A succession of persons whose faculties were stronger than his own, might, in spite of his irresolute re-action, take him and dispose of him as they pleased. Such infirmity of spirit practically confesses him made for subjection, and he passes, like a slave, from owner to owner. Sometimes, indeed, it happens that a person so constituted falls into the train and under the permanent ascendancy of some one stronger mind, which thus becomes through life the

oracle and guide, and gives the inferior a steady will and plan. This, when the governing spirit is wise and virtuous, is a fortunate relief to the feeling, and an advantage gained to the utility, of the subordinate, and, as it were, appended mind.

The regulation of every man's plan must greatly depend on the course of events, which come in an order not to be foreseen or prevented. But in accommodating the plans of conduct to the train of events, the difference between two men may be no less than that, in the one instance, the man is subservient to the events, and in the other, the events are made subservient to the man. Some men seem to have been taken along by a succession of events, and, as it were, handed forward in helpless passiveness from one to another ; having no determined principle in their own characters, by which they could constrain those events to serve a design formed antecedently to them, or apparently in defiance of them. The events seized them as a neutral material, not they the events. Others, advancing through life with an internal, invincible determination, have seemed to make the train of circumstances, whatever they were, conduce as much to their chief design as if they had, by some directing interposition, been brought about on purpose. It is wonderful how even the casualties of life seem to bow to a spirit that will not bow to them, and yield to subserve a design which they may, in their first apparent tendency, threaten to frustrate.

You may have known such examples, though they are comparatively not numerous. You may have seen a man of this vigorous character in a state of indecision

concerning some affair on which it was necessary for him to determine, because it was necessary for him to act. But in this case his manner would assure you that he would not remain long undecided ; you would wonder if you found him still balancing and hesitating the next day. If he explained his thoughts, you would perceive that their clear process, evidently at each effort gaining something towards the result, must certainly reach it ere long. The deliberation of such a mind is a very different thing from the fluctuation of one whose second thinking upsets the first, and whose third confounds both. To *know how* to obtain a determination is one of the first requisites and indications of a rationally decisive character. When the decision was arrived at, and a plan of action approved, you would feel an assurance that something would absolutely be done. It is characteristic of such a mind to think for effect ; and the pleasure of escaping from temporary doubt gives an additional impulse to the force with which it is carried into action. The man will not re-examine his conclusions with endless repetition, and he will not be delayed long by consulting other persons, after he has ceased to consult himself. He cannot bear to sit still among unexecuted decisions and unattempted projects. We wait to hear of his achievements, and are confident we shall not wait long. The possibility or the means may not be obvious to us, but we know that every thing will be attempted, and that a spirit of such determined will is like a river, which, in whatever manner it is obstructed, will make its way somewhere. It must have cost Cæsar many anxious hours of deliberation before he

decided to pass the Rubicon, but it is possible he suffered but few to elapse between the decision and the execution. And any one of his friends who should have been apprised of his determination, and understood his character, would have smiled contemptuously to hear it insinuated that though Cæsar had resolved, Cæsar would not dare, or that though he might cross the Rubicon, whose opposite banks presented to him no hostile legions, he might come to other rivers which he could not cross; or that either rivers or any other obstacle would deter him from prosecuting his determination from this ominous commencement to its very last consequence.

The first prominent mental characteristic of the person whom I describe, is a complete confidence in his own judgment. It will perhaps be said that this is not so uncommon a qualification. I, however, think it is uncommon. It is indeed obvious enough that almost all men have a flattering estimate of their own understanding, and that as long as this understanding has no harder task than to form opinions which are not to be tried in action, they have a most self-complacent assurance of being right. This assurance extends to the judgment which they pass on the proceedings of others. But let them be brought into the necessity of adopting actual measures in an untried situation, where, unassisted by any previous example or practice, they are reduced to depend on the bare resources of judgment alone, and you will see, in many cases, this confidence of opinion vanish away. The mind seems all at once placed in a misty vacuity, where it reaches round on all sides, but can find nothing to take hold of. Or if not

in vacuity, it is overwhelmed in confusion ; and feels as if its faculties were annihilated in the attempt to think of schemes and calculations among the possibilities, chance, and hazards which overspread a wide untrodden field ; and the conscious imbecility becomes severe distress, when it is believed that consequences, of serious or unknown good or evil, are depending on the decisions which are to be formed amidst so much uncertainty. The thought painfully recurs at each step and turn, "I may by chance be right, but it is fully as probable I am wrong." It is like the case of a rustic walking in London, who, having no certain direction through the vast confusion of streets to the place where he wishes to be, advances and hesitates, and turns and inquires, and becomes, at each corner, still more inextricably perplexed.

Though a decided man will not absolutely despise the understandings of other men, he will perceive their independence as compared with his own, which will preserve its independence through every communication and encounter. It is, however, a part of this very independence that he will hold himself free to alter his opinion, if the information which may be communicated to him shall bring sufficient reason. And as no one is so sensible of the importance of a complete acquaintance with a subject as the man who is always endeavouring to think conclusively, he will listen with the utmost attention to the *information*, which may sometimes be received from persons for whose *judgment* he has no great respect. The information which they may afford him is not at all the less valuable for the circumstance that his practical inferences from it

may be quite different to theirs. If they will only give him an accurate account of facts, he does not care how indifferently they may reason on them. Counsel will in general have only so much weight with him as it supplies knowledge which may assist his judgment; he will yield nothing to it implicitly as authority, except when it comes from persons of approved and eminent wisdom; but he may hear it with more candour and good temper, from being conscious of this independence of his judgment, than the man who is afraid lest the first person that begins to persuade him should baffle his determination. He feels it entirely a work of his own to deliberate and to resolve, amidst all the advice which may be attempting to control him.

The strongest trial of this determination of judgment is in those cases of urgency where something must immediately be done, and the alternative of right or wrong is of important consequence; as in the duty of a medical man treating a patient whose situation at once requires a daring practice, and puts it in painful doubt what to dare. A still stronger illustration is the case of a general who is compelled, on the very instant, to make dispositions on which the event of a battle, the lives of thousands of his men, or, perhaps, almost the fate of a nation, may depend. There is no man so irresolute as not to act with determination in many single cases, where the motive is powerful and simple, and where there is no need of plan and perseverance; but this gives no claim to the term *character*, which expresses the habitual tenour of a man's active being.

A persisting, untameable efficacy of soul gives a

seductive and pernicious dignity even to a character which every moral principle forbids us to approve. Often in the narrations of history and fiction, an agent of the most dreadful designs compels a sentiment of deep respect for the unconquerable mind displayed in their execution. While we shudder at his activity, we say with regret, mingled with an admiration which borders on partiality, "What a noble being this would have been, if goodness had been his destiny!" The partiality is evinced in the very selection of terms, by which we show that we are tempted to refer his atrocity rather to his destiny than to his choice. I wonder whether an emotion like this has not been experienced by each reader of "Paradise Lost," relative to the leader of the infernal spirits. We bend in homage before the ambitious spirit, which reached the true sublime in the reply of Pompey to his friends, who dissuaded him from hazarding his life on a tempestuous sea in order to be at Rome on an important occasion: "It is necessary for me to go, it is not necessary for me to live."

Revenge has produced wonderful examples of this kind of unremitting constancy to a purpose. Zanga is an illustration; and you may have read of a real instance of a Spaniard, who, being injured by another inhabitant of the same town, resolved to destroy him; the other was apprised of this, and removed with the utmost secrecy, as he thought, to another town at a considerable distance, where, however, he had not been more than a day or two, before he found that his enemy also was there. He removed in the same manner to several parts of the kingdom, remote from each

other ; but in every place quickly perceived that his deadly pursuer was near him. At last he went to South America, where he had enjoyed his security but a very short time, before his relentless follower came up with him, and accomplished his purpose.

You may have read of a young man who wasted in two or three years a large patrimony in profligate revels with a number of worthless associates calling themselves his friends, till his last means were exhausted, when they, of course, treated him with neglect or contempt. Reduced to absolute want, he one day went out of the house with an intention to put an end to his life ; but wandering awhile almost unconsciously, he came to the brow of an eminence which overlooked what were lately his estates. Here he sat down, and remained fixed in thought a number of hours, at the end of which he sprang from the ground with a vehement exulting emotion. He had formed his resolution, which was that all these estates should be his again ; he had formed his plan too, which he instantly began to execute. He walked hastily forward, determined to seize the very first opportunity, of however humble a kind, to gain any money, though it were ever so despicable a trifle, and resolved absolutely not to spend, if he could help it, a farthing of whatever he might obtain. The first thing that drew his attention was a heap of coals shot out of carts on the pavement before a house. He offered himself to shovel or wheel them into the place where they were to be laid, and was employed. He received a few pence for the labour ; and then, in pursuance of the saving part of his plan, requested some small gratuity of meat and

drink, which was given him. He then looked out for the next thing that might chance to offer ; and went, with indefatigable industry, through a succession of servile employments in different places, of longer and shorter duration, still scrupulously avoiding, as far as possible, the expense of a penny. He promptly seized *every* opportunity which could advance his design, without regarding the meanness of occupation or appearance. By this method he had gained, after a considerable time, enough to purchase, in order to sell again, a few cattle, of which he had taken pains to understand the value. He speedily, but cautiously, turned his first gains into second advantages ; retained without a single deviation his extreme parsimony, and thus advanced by degrees into larger transactions and incipient wealth. The result was, that he more than recovered his lost possessions, and died an inveterate miser, worth 60,000*l*. This is a signal instance, though in an unfortunate and ignoble direction, of decisive character, and of the extraordinary *effect* which, according to general laws, belongs to the strongest forms of such a character.

But not less decision has been displayed by men of virtue. In this distinction no man ever exceeded, or ever will exceed, the late illustrious Howard.

The energy of his determination was so great, that if, instead of being habitual, it had been shown only for a short time on particular occasions, it would have appeared a vehement impetuosity ; but by being uninterrupted, it had an equability of manner which scarcely appeared to exceed the tone of a calm constancy, it was so totally the reverse of any thing like

turbulence or agitation. It was the calmness of an intensity kept uniform by the nature of the human mind forbidding it to be more, and by the character of the individual forbidding it to be less. The habitual passion of his mind was a pitch of excitement and impulsion almost equal to the temporary extremes and paroxysms of common minds; as a great river, in its customary state, is equal to a small or moderate one when swollen to a torrent.

The moment of finishing his plans in deliberation and commencing them in action was the same. I wonder what must have been the amount of that bribe, in emolument or pleasure, that would have detained him a week inactive after their final adjustment. The law which carries water down a declivity was not more unconquerable and invariable than the determination of his feelings toward the main object. The importance of this object held his faculties in a state of determination, which was too rigid to be affected by lighter interest, and on which therefore the beauties of nature and of art had no power. He had no leisure feeling which he could spare to be diverted among the innumerable varieties of the extensive scenes which he traversed; his subordinate feelings nearly lost their separate existence and operations, by falling into the grand one. There have not been wanting trivial minds, to mark this as a fault in his character. But the mere men of taste ought to be silent respecting such a man as Howard! he is above their sphere of judgment. The invisible spirits, who fulfil their commission of philanthropy among mortals, do not care about pictures, statues, and sumptuous buildings; and no more did he,

when the time in which he must have inspected and admired them would have been taken from the work to which he had consecrated his life. The curiosity which he might feel was reduced to wait till the hour should arrive when its gratification should be presented by conscience, (which kept a scrupulous charge of all his time,) as the duty of that hour. If he was still at every hour, when it came, fated to feel the attractions of the fine arts but the second claim, they might be sure of their revenge; for no other man will ever visit Rome under such a despotic acknowledged rule of duty, as to refuse himself time for surveying the magnificence of its ruins. Such a sin against taste is very far beyond the reach of common saintship to commit. It implied an inconceivable severity of conviction that he had *one thing to do*, and that he who would do some great thing in this short life must apply himself to the work with such a concentration of his forces as, to idle spectators, who live only to amuse themselves, looks like insanity. His attention was so strongly and tenaciously fixed on his object, that even at the greatest distance, as the Egyptian pyramids to travellers, it appeared to him with a luminous distinctness as if it had been nigh, and beguiled the toilsome length of labour and enterprise by which he was to reach it. So conspicuous was it before him, that not a step deviated from the direction, and every movement and every day was an approximation. As his method referred every thing he did and thought to the end, and as his exertion did not relax for a moment, he made the trial, so seldom made, what is the utmost effect which may be granted to the last possible efforts of a

human agent: and therefore what he did not accomplish he might conclude to be placed beyond the sphere of mortal activity, and calmly leave to the immediate disposal of Providence. As the conduct of a man of decision is always individual, and often singular, he may expect some serious trials of courage. For one thing, he may be encountered by the strongest disapprobation of many of his connexions, and the censure of the greater part of the society where he is known. In this case it is not a man of common spirit that can show himself just as at other times, and meet their anger in the same undisturbed manner as he would some ordinary inclemency of the weather; that can, without harshness or violence, continue to effect every moment some part of his design, coolly replying to each ungracious look and indignant voice: "I am sorry to oppose you: I am not unfriendly to you, while thus persisting in what excites your displeasure; it would please me to have your approbation and concurrence, and I think I should have them if you would seriously consider my reasons; but meanwhile, I am superior to opinion; I am not to be intimidated by reproaches, nor would your favour and applause be any reward for the sacrifice of my object."

I remember that, on reading the account of the project for conquering Peru, formed by Almagro, Pizarro, and De Luques, while abhorring the actuating principle of the men, I could not help admiring the hardihood of mind which made them regardless of scorn. These three individuals, before they had obtained any associates, or arms, or soldiers, or more than a very imperfect knowledge of the power of the kingdom they were to

conquer, celebrated a solemn mass in one of the great churches, as a pledge and a commencement of the enterprise, amidst the astonishment and contempt expressed by a multitude of people for what was deemed a monstrous project. They, however, proceeded through the service, and afterwards to their respective departments of preparation, with an apparently entire insensibility to all this triumphant contempt, and thus gave the first proof of possessing that invincible firmness with which they afterwards prosecuted their design, till they attained a success, the destructive process and many of the results of which humanity has ever deplored.

The last decisive energy of a rational courage, which confides in the Supreme Power, is very sublime. It makes a man who intrepidly dares every thing that can oppose or attack him within the whole sphere of mortality; who will press toward his object while death is impending over him; who would retain his purpose unshaken amidst the ruins of the world.

It was in the true elevation of this character that Luther, when cited to appear at the Diet of Worms, under a very questionable assurance of safety from high authority, said to his friends, who conjured him not to go, and warned him by the example of John Huss, whom, in a similar situation, the same pledge of protection had not saved from fire, "I am called in the name of God to go, and I would go, though I were certain to meet as many devils in Worms as there are tiles on the houses."

Another thing that would powerfully assist toward complete decision, both in the particular instance and

in the general spirit of the character, is for a man to place himself in a situation analogous to that in which Cæsar placed his soldiers, when he burnt the ships which brought them to land. If his judgment is *really* decided, let him commit himself irretrievably, by doing something which shall oblige him to do more, which shall lay on him the necessity of doing all. If a man resolves, as a general intention, to be a philanthropist, I would say to him, "Form some actual plan of philanthropy, and begin the execution of it to-morrow" (if I may not say *to-day*), "so explicitly, that you cannot relinquish it without becoming degraded even in your own estimation." If a man would be a hero, let him, if it be possible to find a good cause in arms, go presently to the camp. If a man is desirous of a travelling adventure through distant countries, and deliberately approves both his purpose and his scheme, let him actually prepare to set off. Let him not still dwell in imagination on mountains, rivers, and temples, but give directions about his remittances, his personal equipments, or the carriage or the vessel in which he is to go. Ledyard surprised the official person who asked him how soon he could be ready to set off for the interior of Africa, by replying, promptly and firmly, "*To-morrow.*"

And finally, I would repeat, that a man's own conscientious approbation of his conduct must be of vast importance to his decision in the outset, and his persevering constancy.

SELECTION OF A BUSINESS.

THIS is the most important step a youth can take, or which may be taken for him by his parents; and although, doubtless, much has been written and said on the subject, yet the evil still exists, that hundreds of youths are put to businesses for which they are physically, mentally, and, by inclination, totally unfitted and averse to. Why is this? Mainly, I think, because, in this overstocked and overtrading country, parents are totally at a loss to know what to do with their children, and in most cases are compelled to put them to some light calling where their services become immediately remunerative. Thus we have, in the event of advertising for a clerk, even at an almost nominal salary, hundreds of applicants. On one occasion I put in an advertisement for a clerk at a very low salary, and received more than five hundred replies. If parents would, when their circumstances are limited, only forego their ultra respectability for the sake of their children, and let them learn some useful trade, they would then have made them independent for life; and although, as in my own case, I have never been since actually required to work at my former trade or gone into the same business, yet the insight and practical information and experience have been of the utmost service to me. I have always the consolation that when all else fails, I can resort to the bench to keep myself and family; and, strange to say, when any extraordinary trouble overtakes me, I find myself in the night busily employed at my old trade, although it would certainly be the last

resource I should fly to. As to my children, although I dread for them the associations and hardships, yet I know it will be of inestimable value to them hereafter, and at the risk of broad hands and some degradation, they shall learn to handle the hammer and saw, and if they are pushed out of this old country, as thousands are every year, the fair bright lands of Australia or Canada will then readily welcome them, if they are prepared to acquit themselves like men, and, above all, mechanics, if required. And here I must observe, that the evil of the present age, which I feel strongly upon, and shall continue to insist on in the following chapter, is, that we think we are wiser than our fathers were. Unfortunately, by acting on the assumption that our children must, to be respectable, begin as masters, instead of apprentices, we have got into an unhealthy state of society; and for a large tradesman now-a-days to put his son into the shop, and make him go through what his fathers have gone through, is out of the question.

Never put a youth to a business he thoroughly dislikes; by this I do not for a moment intend you to ponder to his fancy altogether, but if you find an inclination to mechanics, or any other particular branch, give him the choice in that direction he prefers. Need I explain this further? I was apprenticed to a trade I liked at fourteen, and in three years I became proficient in it, and on my master's death, at the end of three years and a quarter, I worked as a journeyman, and had full wages. A friend, three years older than myself, the son of a publican, who did not like the business, was apprenticed at the next bench, and although he served

seven long years, he is now only a very inferior hand at his trade, and obtains a very precarious living by it.

Parents well-to-do have a right to bring up their children as they please (and to put up with the annoyance afterward); but I contend that a man with a large family and a limited income has no right to stock the country with unskilled labour, and for his own and his children's sake, except under very special circumstances, he ought to give them a *trade*. Our colonies open wide their arms to receive our skilled artisans and our *practical* men; but they are filled to repletion with half men, for they are little better, who can do nothing more than write a neat hand and cast up figures. At the risk of being thought vulgar, I must say it would give me more pleasure to hear that every able-bodied man could with his own hands earn a living at a trade, than that he had the learning of a Johnson or the wit of a Burke. Select the business most suitable, and take care the youth becomes a perfect master of it.

Take the precaution to pay only half the premium down, and see that your tradesman is a respectable man; but, above all, an honest, straightforward-dealing man; and that, in the event of either the child's or master's death, or his health not allowing him to continue at the business, that you are not liable for the balance. Get the indentures drawn up by a respectable solicitor at an agreed price, and then you will have him as a guarantee for all being correct.

ENTERING INTO BUSINESS.

ENTERING into business is what an apprentice of any position in life talks of, and dreams of from the first day of his term. Kind parents likewise plan and calculate and save to enable him to do it, at the earliest possible moment. For a man to be his own master is one of the noblest aims in life; but, like many other of our railway-day notions, we forget the old maxims of our forefathers, and put young, inexperienced persons into business who are totally unfit to be trusted. To this extraordinary mania are to be attributed, to a great extent, the numerous failures and ruinous competition among little tradesmen in the present day. We are very slow to learn that every man should stick to his own trade, and that old heads cannot be put upon young shoulders. Do you ask me at what age you may go into business? I can only reply, it depends on your own fitness. I have in my mind's eye men who commenced business on their own account at fourteen years of age, and are now wealthy at forty; and among the Jews a lad of fourteen is always expected, by barter or using his wits, to be able to support himself, and it is a fact that in most cases, from the age of fifteen, Jewish youths do trade for themselves. If we were all honest, and there was only a necessity to buy goods, of which a young man of twenty-one ought to know the value in his trade, and to sell them at a profit, any person with common sense would be fit to go into business; but by the time you have finished this book, you will see clearly that the buying and selling, and the quality and price, are but minor, although essential, qualifica-

tions to a man of business. There are many more serious questions to be decided before you part with your goods, or before you attempt to go into business. Do you think you have acquired the nerve and decision—I had almost said, *necessary instinct*—to fit you to cope with the thousands of sharks who prey on the very vitals of the inexperienced, and, in many cases, *take in* even the ablest of our old firms? If four or five years' hard-working practical insight into what trading human nature is has not fallen to your share, I am sure you have not. You may say, "True; but we have now our Protection Societies, and I would not move without advice." Will you, then, tell me how you would cope, even with them at your elbow, with a young gentleman who appears to be about twenty-four, and gives you good references, and is not known in these black books of your societies, but who gives you bills in due course, and then goes on trading to a large amount, and, as soon as you are in to the utmost, coolly dishonours your bills, and pleads that he is "an *infant*?" You will say that is an exceptional case; but where will you be when a gang of apparently respectable men gradually draw you on by small orders and punctual payments, until you are induced to trust them for hundreds, and, as a friend of my own did, for thousands, their banker giving the highest possible reference, and the most punctual payments going on until the crisis came? It was then found out the party had obtained goods from every quarter, of every description—watches, jewellery, carpets, horse-hair, cigars, tobacco, and, in fact, every thing that the avidity of the present cutting system of business eagerly gave—the whole of which were sold or pawned, and not one legitimate

trade transaction had taken place, and this in the heart of the City of London, with some of the first houses? Or what would you say, as in my own experience, to a person holding a first-class Government appointment, whose references are of the highest class, who is reported to be very wealthy, and has had his butler and servants for years,—whom your own confidential clerk reports to be enormously rich, and that he has seen bank-notes and cheques lying about like waste paper,—who drives a “four-in-hand,” and has seven carriages, and after getting 575*l.* into your debt, when you want your money, has decamped, and given your property to his butler under a bill of sale?

No, young man; no, kind father; if you wish to do justice to yourself or your son, he must not be trusted in business, except as a junior partner with an experienced senior, until the ways of the world, the tricks of the world, and the depravity of human nature, have been so thoroughly driven into him that he suspects a trick at every turn, and, although he has the address to act as if he had the most implicit confidence in the goodness of human nature, which he is morally bound to do until the contrary is proved, yet takes care to run no risk, and to secure all the absolute and necessary safeguards for his own welfare. Would you be prepared for a man who entreats you to lend his son 100*l.* on freehold property which seems of ample value, and which you take the precaution to go hundreds of miles to inspect, to advance his son in the world,—would you be ready, on that son's returning to you on the money becoming due, with tears of gratitude in his eyes, and showing you that out of that 100*l.*

he had made 500*l.*, and producing the money and offering to pay you handsomely the moment he has cashed the bank-bill from Dunkirk, on his return with his father,—to hear that you were not to have one shilling for your journey or expenses, but only a simple five per cent. ; and, on your representing the injustice, and refusing to accept it, to find him leave your office, never to be seen again, and that the property on which you have your second charge is forfeited to the first mortgage? Or would you be prepared to cope with a man who is, or seems to be, in a large business, who is about to obtain some very important improvement to his wharf, for whom you are negotiating for a loan of 1000*l.* on a mortgage of that property, coming in a hurry, one day, and bringing his lease, prepared by highly respectable parties, whom you well know, and whose handwriting you recognise as the attesting witness, to borrow 100*l.*, as he says, to take up a bill, stating he never in his life let a bill go back,—who leaves not only the lease, but gives a charge on what he states to be goods on his wharf, worth 500*l.*,—who takes your note to the Bank of England and exchanges it for gold, and hands that gold to his son, who therewith pays out the sheriff, who gives him a conveyance of the property for the amount,—and, after the whole matter is found out, would you be prepared to find only 8*l.* clear out of the 500*l.* worth of goods? That man was arrested the same day, on another charge; he escaped, and jumping into a boat, crossed the river in the sight of the sheriff, but was immediately arrested on the other side by another sheriff in Middlesex? He afterwards became bankrupt, and my name was brought forward

as the cause of his ruin, behind my back ; and it was only by the narrowest possible chance the lease he gave me was not rendered worthless.

CONDUCTING YOUR BUSINESS.

I HAVE now to suppose you about to launch into the world of business, taking with you the kind wishes and assistance of relatives and friends. Doubtless you have learned by rote many of the business proverbs already, and you have fully determined to follow Solomon's advice, "That whatever thy hand findeth to do, thou wilt do it with all thy might ;" that you have trained your mind to think aright ; have chosen a business you approve, and have entered into it with a consciousness of your own fitness for its requirements. Before we actually draw aside the shutters, or open the doors for your first entrance on the stormy sea of commerce, it is necessary you should have fixed and definite notions of what you intend *to do and to become*. You should have a standard set up in your own mind to which you aspire, and broad definite principles of action laid down on which you intend to act. A Christian man professes his object and only purpose in life to be to do good and glorify his Maker ; and if true to his principles, he will let his every act be done as in the sight of that Being to whom he must render an account of the deeds to be done here below. I should be totally misleading you and dishonouring my profession if I attempted to show you there was any other object *worth* living for. Many years of toil, anxiety, and mortification have fully confirmed my convictions that

the only true happiness or real pleasure to be enjoyed in this world arises solely from having an intelligent and peaceful conscience, which approves our course of conduct, and the conviction that we are at peace with God,—are safe, be our stay either long or short here, as to our eternal interests, and are fulfilling the days of our appointed time, as we shall, when time is over, have wished to have done.

But there are many of my readers who, unwisely for themselves, disagree with me practically in this view; and although others may concur, yet a few broad general hints on the principles and motives a man should possess may not be amiss.

The great object of business should be so to conduct it that he may be enabled always to render to Cæsar the things that are Cæsar's; or, in other words, so that he may be able to obtain an honest livelihood, to pay everyone his due, and be independent of all. I contend that this is the most legitimate view that can be taken of a man's business obligations.

1. He should conduct his business with an open countenance, and in a manly, frank, and straightforward way, and take care that every one about him does the same. He should lay down a rule as to his profits, and abide by that rule.

"That a regular scale of profits is right and necessary, will be admitted when you reflect on the effect the discovery that a man makes two prices has on you."

2. He should have printed in his counting-house, and engraved on his own heart and on the hearts of all about him, these two sentences, "With God motive is everything. A lie is an intention to deceive." And he

should remember that lies may be told (or perpetrated) in this sense by every member of his body. He should not have any underhand dealing, or allow any. He should always tell the truth, and insist on its being told by all whom he employs.

“That any untruth is injurious, although it may at the time enable the vendor to effect a sale, is a well-known fact; and one of the most painful illustrations I remember in this way, when a child, was afforded by a shopkeeper in Essex, who professed to be a very religious man. He had, in my uncle’s hearing, strongly recommended an article of dress, as certain to wash, to a poor person. My uncle, who was a really good man, could not forbear expostulating with him, and reminding him that he had only that day complained to him that his wife said that that material would not wash, and pointed out the sinfulness of his conduct. The professor replied, ‘I have not told a falsehood or committed a sin, as I did not say *how* it would wash; I know the colours will all go, but that is not my business; I said it would *wash*.’ A tradesman will lose some custom at first by his habit of telling the truth; but as soon as he is known, he will more than make up for it by the increased confidence placed in him. Although many a respectable man in business would not tell a direct lie himself, he will suffer those about him to do it wholesale, and it is surprising how ready people are to lie on others’ behalf. I have constantly to remind my servants that they have enough to do to answer for their own sins, without gratuitously adding to their number, unasked, through their desire to lie and serve me, as they foolishly think.”

3. He should, as a guarantee to others and a satisfaction to himself, have all his trade-marks in plain figures.

"This practice is becoming so general that I need not dwell on its desirableness."

4. In what he sells he should not only remember that honesty is the best policy, but be scrupulously particular that what he sells is what he represents it to be.

"The discovery that you have been imposed upon is not very likely to lead you to go to the same shop a second time ; and although I know some persons say, if they cannot get enough out of their customers the first time, they would not wish to see them afterwards, this kind of conduct is most unbusiness-like and universally unsuccessful."

5. He should aim to give the greatest amount of happiness to those he employs.

"We are able, by little considerations and attentions, greatly to enhance the happiness of those dependent on us, and with advantage to ourselves as well as them."

6. He should not make up his mind that it is necessary for him to make a fortune, and that therefore it must be done, and thus bow down his energies, pleasures, and reasonable recreations to this idol of modern society.

"As a rule, having the means of paying to every one his due in the station in which we move, and being enabled by life-insurance to make a provision for those dependent on us, we have no right to try and force ourselves unnaturally beyond our level in society, as many men do, and exhaust every energy, and even life

itself, in the vain attempt to become somewhat more than our fathers were."

7. He should, to prevent litigation or mistakes, take care that every transaction is in writing.

"Possibly every transaction cannot be, but the majority, and certainly the more important transactions in business, may. Only recently I was saved from a severe loss—although at the risk of offending a rich man, whose references were of the highest character, and who appeared to be very liberal—by absolutely refusing to execute his order without his written authority. It turned out afterwards I should not have been paid unless I had been able to have produced it."

8. He should keep a diary, and enter down every night short notes of all matters it is important to remember correctly, or may be necessary to refer to hereafter.

"It is impossible to remember every circumstance, particularly figures and details. A diary, costing 5s., will last a year, and by giving it ten minutes' attention daily, every circumstance of importance will be duly recorded. I once settled a very important lawsuit, solely in consequence of the defendant's lawyer having inspected my diary, under an order from the court, when I showed him the entries in it most likely to enable me to substantiate my claim."

9. He should so arrange his business that all may go on orderly and like mechanism.

"Order is Heaven's first law; without it business cannot be successfully carried out."

10. He should examine carefully and calculate every

account, to satisfy himself of its correctness, and if any error be discovered in his favour, at once point it out to his creditor.

“To suppose a man having a large business can attend to the details of every account would be absurd, but he may and ought to have a general knowledge ; and if a small tradesman, he should attend strictly to the rule laid down.”

11. If he has several important matters to attend to at once, he should not fail to clear up one thoroughly before he attempts to commence another.

“It is surprising how many matters a man may get through, if he only does them one by one. The late Duke of Wellington was a remarkable instance of this.”

12. He should take care that the orders he receives are not only promptly attended to, but attended to exactly ; and that no goods are sent on speculation that they may pass for what they are not, and were never intended to be.

“It is well known that parties daily do this, and only a short time since I was deceived in this way, in a matter which was discovered by the party I supplied the goods to, and the result was that the really dishonest man who sold to me made an enemy, and lost his character, both with me and my customer.”

13. He should not dare to spend a shilling in any pleasure, or waste his time in any recreation, without he is sure his circumstances justify his so doing.

“This, honestly carried out, would greatly curtail many of the so-called pleasures now attempted to be enjoyed ; but if a man is conscious that he is spending another's money, no *real pleasure* can or will be the

result. Happiness consists in the approval of our conscience as well as the good opinion of those around us, and if both be set at nought, the attempt must fail to give satisfaction."

14. He should not enter into any transaction unless he is fully convinced of its being a safe one, and that he thoroughly understands it.

"A man had better give up a prospective profit than run a risk, or incur an anxiety he may fairly avoid. Many men take most unnecessary anxieties upon themselves, and get the credit of being called fools for their pains. In all business there is anxiety; but do not have more than you can possibly avoid, and particularly on matters you do not understand."

15. He should be careful with whom he makes acquaintance.

"A man is known by the company he keeps; and the fact of your having been seen speaking to a certain person, or of your even exchanging cards, is sometimes most injurious to you. A highly respectable tradesman, a friend of my wife's, in St. Paul's Churchyard, had occasion, a few years since, to go to a town in Kent on business, where he was detained all night. Feeling lonely, he asked the landlord if there was any other gentleman at the hotel he could spend the evening with, and was introduced to an apparently highly respectable, intelligent, commercial traveller, with whom he spent a few hours most agreeably. On bidding him 'good night,' he expressed his great pleasure at making his acquaintance, and invited him most cordially to his house, and handed him his card. On retiring to rest, the commercial traveller obtained

the company of the pretty chambermaid, under protestations of affection and assurances of support, and, as a proof of his sincerity, handed her what he stated to be *his card*. This she most carefully preserved, and when, in due time, an increase to the population took place, said, with every assurance of being provided for, that the father was a perfect gentleman, and produced the card. Her circumstances, however, compelled her to seek for assistance from the public purse, and the worthy guardians took charge of the precious pasetboard, and in due course fixed the maintenance of the child upon my wife's friend. This fact nearly separated man and wife, and it was only after repeated attempts and considerable expense had been incurred, that the innocent card-giver was released from the very serious imputation and unpleasantness which the above occurrence caused in his family, although I believe he was unable to get rid of the liability as to the maintenance of the child."

16. He should not carry out the notion that he is at liberty to buy in the cheapest market and sell in the dearest, when he knows, in either case, he is, by his position, *taking advantage of others' necessities*.

"It is very difficult to avoid taking advantage of another when his necessities put him in our hands. It is done every day, and thought nothing of. Even that excellent man, Budgett, the successful merchant, is blamed by his own biographer for this fault; and we too often, in business-matters, forget the command, 'Do unto another as you would he should do to you.'"

17. He should not, in the pursuit of his own immediate interests, isolate himself from his family or connexions or fellow men.

"A man has many other duties to perform besides those of merely attending to his business, and he ought so to arrange it as to enable him to devote some portion of his time to his family and friends."

18. He should periodically take a survey of his assets and liabilities, and study the progress of his business, as carefully as he would a game of chess, to see that he does not make a wrong move. It is as much a man's duty to know exactly (substantially) how he stands in relation to his creditors every week, as it is to know whether he has a balance at his banker's before he draws a cheque.

"Many men know comparatively nothing of their *real* position, and others with whom they transact business know, of course, less; for instance, the parties who discounted bills in the leather-trade of late years."

19. He should take security for every one in a position of trust.

"This should be absolutely and most strictly carried out. Many of the most serious breaches of trust occur with parties in whom we naturally place implicit confidence. A late clerk of my own, who had been for some years partly engaged by a City merchant, and was a member of a Christian church, left me to take the confidential management of the latter's accounts. After three years, being unwell, and absent for two or three days, it was discovered that he had embezzled more than 900*l.*; and on my visiting him when dying, and gently urging the sad conduct he had been guilty of, and my hope that, although he had no prospect of being able to make good the

loss, he had earnestly repented, he actually attempted to justify, or at least palliate, his conduct, by saying he had in other respects been a good servant, and that the loss was not felt, as he took the money by *dribblets*."

20. He should be most careful whom he trusts, and particularly foreigners.

"If necessary to add one word, I would say of the latter, do not trust them *at all*; and the more experience you get, the more fully will you realise the necessity of this rule."

21. He should not allow those about him to have temptations unnecessarily put in their way, as, if they fall into them, he will be as much to blame as they are. Human nature is so weak and liable to err, we ought not to expose others to more than can possibly be avoided. Most of the evils of this class have resulted from improper confidence, or putting persons in positions of trust, and not taking the trouble to see that such confidence was not abused.

"If you are not particularly careful, you will make many a thief quite unintentionally, but very effectually. Do not, therefore, allow a clerk or servant to spend even a penny, or charge you with it under any pretence whatever, without properly accounting for it; and always insist on a bill or voucher for every article purchased. It sometimes occurs that a master is cheated even when he has bills, as the person he employs gets them made out for more than he actually pays; but as such an act, although it occasionally occurs, involves a conspiracy or fraud by the seller as well as the servant, no respectable house of business would do it. *Always have an immediate settlement.* I am far more

afraid of injuring those I employ, by letting them have little opportunities of what some persons call 'making a trifle for themselves,' than I am of a downright open act of dishonesty. If my silver spoons are to go, I should much rather lose them at once than one at a time, through going down the sink, or some other excuse. When quite a child, a minister gave me a little book, about what I do not now remember, except that the first lines began—

' It is a sin to steal a pin,
And how much more a greater thing !'

Those two lines, however, have since been uppermost in my mind at all times, when I have been tempted—whether as a child to steal my father's fruit, or as an apprentice to waste my master's time, or as a man of business to take advantage of another's ignorance or errors—in anyway; and have reminded me, as with a voice of thunder, that it was my duty to forbear."

22. He should not, on any consideration, place a person who has had anything against his character *in a position of trust*. This may seem harsh; but, with the sole exception of a man's being actually changed or regenerated by God's grace, it will be found not only a safe but necessary rule. *What a man has done once, he may and probably will do again.*

" It is absolutely necessary for your safety and comfort that you adhere rigidly to this rule. I have suffered seriously, like many others, for my over-kindness in this respect. We ought not to be harsh to those who have erred, but to remember that we may also fall; yet that is no reason why we are bound to

give them the opportunity of doing us an injury: it might, for aught we know, be to ruin us. And here I would strongly advise you never to take on again a person whom you have discharged for a fault, particularly for want of truth or honesty. I have done this very foolishly again and again, *and in every case* have had reason to regret it."

23. A man of business should, as soon as he is able to realise a competency for himself and his family, or rather those absolutely dependent on him, retire to make room for others.

"We are not justified in many of our notions as to what it is necessary to acquire before we give up making money. I do not consider that a father is bound to slave on until his last breath, so as to make all his children independent. Is it not clearly his duty, if he has enough to live comfortably upon in the sphere in which he has been accustomed to move, having given his children a fair start in the world, to devote the evening of his days to the more immediate preparation for the great change that awaits him?"

COURTSHIP AND MARRIAGE.

WE have now to suppose you not only to have educated and trained your mind; to have chosen the right trade, business, or profession; to have become master of it; to have formed a correct opinion of the world; to be progressing favourably with your business, and be saving money; but that you find a particular pleasure in visiting a certain family (and there are whispers about you at home, half

jealous and half pleasantly anticipating); that you are about to enter on a new sphere of action and into a new state of life. In fact, you are thinking of that holy and delightful state of bliss—marriage, for it should be both holy and happy. God has so willed it. He gave the woman to Adam because it was not good for him to be alone; and every man possessed of right feeling will readily allow, that to possess the affection of a wife, as it ought to be possessed, is one of the highest blessings this world can afford.

I at once assume you have not yet committed yourself by an actual or implied promise even to her who seems to you to be the loveliest being in the universe.

Well, if so, let us have a little conversation together before you get any deeper in love, and let me give you a few plain hints on the subject. Hundreds who read them, I know, will despise them, and act contrary to them. I have only to say, look around you and see the effect on those you are acquainted with of having done so. Apply these plain facts and revelations to your own case, and see how they reflect the condition of hundreds whom you know. I must entreat you not to mutter to yourselves, "Oh, yes! I suppose we are now going to have a string of extracts from the Divorce Court; we all know there are many unhappy marriages, but that is people's own faults after they are married."—*Stay: my object is to prevent your getting married at all, unless there is a reasonable certainty that you must be happy.* I have no hesitation in saying that nearly half the marriages of the present day not only ought never to have taken place, but are the result of scheming, trickery, avarice, and often crime,

and that the principles on which most matches are made up are totally contrary to those on which you would conduct your business, and are contrary to common sense, and in many cases humanity. I hold that the system of society is such, in the present day, as can only increase the evil, and I assert that it has come to be what it is as the result of our artificial state of society. These are broad statements, but they are *facts* which speak for themselves. The same principle of want of *truth* and straightforwardness, which we have deplored as the evil of the commercial world, is, only to a more baneful extent, actively at work here. The way in which young men are cajoled into matches is, to a reflective mind, perfectly disgusting; and the system of picking up wives at balls and parties, where all is tinsel and excitement, is fearful to contemplate. My pen almost refuses to write a line in illustration of the fact; it is patent, glaring, and must be universally admitted; cases upon cases rush into my mind and say, Put me down, and me, and me; but I will only select one which occurred hardly a hundred yards from my own house. A gentleman, engaged in a public appointment, had a large family, all girls—nine perfect steps; I remember them when quite little ones. The eldest at eighteen was not pretty, but could play and sing. Society was very scarce in that part, and they became intimate with a family of much higher position, who visited them mainly because of their intellectual qualifications and musical attainments. The eldest son was at college; but by frequent visits an attachment was formed, unknown to the family of the K.'s, and most assiduously cultivated by the very lady-like, clever mamma. On coming up to pass

his examination he was disgraced, and the cause of his non-success discovered in the numerous love-letters found in his study. The parents were furious, and insisted on an immediate cessation of the intercourse; but the astute mamma coolly said she would not have her daughter's feelings trifled with, and as she held his letters promising marriage, threatened legal proceedings; and they were married against his parents' wishes, and in defiance of them, and his best hopes blasted for ever. I cannot follow, without the case being at once identified, every other daughter; but it will be enough to say that the evening party, the music, singing, and accomplishments, succeeded in getting rid of eight before they were eighteen, and I am told the ninth said she would wait, and not marry yet, although she had offers; but while the sale was going on, the family was most carefully avoided by wise mothers, and the house was privately spoken of as the young man's trap.

Shall I at once put down broadly what I mean to say to you on the subject of marriage? We are told, "How can two walk together unless they are agreed?" and warned that "we be not unequally yoked together." Two dogs or bullocks, pulling diverse ways, do not so fully illustrate the evil of a departure from this truly philosophic law as many of our marriages, which, instead of uniting heart to heart by the silken cord of love, bind hand to hand by the iron chain of necessity, which is now so often unriveted in our divorce courts, to the infinite relief of the sufferers.

First of all, then, there should be *fitness* in the match. Your station in life, and general habits, and educational

training, should correspond. By this I do not for a moment intend you to infer that you are not to be at liberty to marry a person either somewhat above or below you in station, but that you must not, if you expect any real happiness, go to either extreme. We know footmen sometimes marry ladies, and noblemen their servants, but we also know that these matches are always, as they must be, uncongenial, if not absolutely unhappy, and the result is that they are cut off from society by the extreme step thus taken. It is necessary for your happiness in life that your respective families should be on friendly terms with each other, as well as beneficial to you in business, that you should have their joint influence and support.

Nothing promotes the real happiness of married life so much (of course supposing proper affection to exist between man and wife) as being on the most friendly terms with each other's families. Society, in some countries, consists almost exclusively of one's own relations; and in France, in numerous instances, all the members of a family meet at a common table, although they may all be married and have children. That the influence of one's family connexions should be exercised on behalf of the junior members is often absolutely necessary. If you want evidence of its beneficial operation, you have only to open your eyes, and you will see it very fully exemplified in some of our old-fashioned county towns, where almost every family of any respectability are united by marriage and inter-marriage with each other, and form so complete a bond of united interest as to render all opposition to their welfare, from a stranger, unavailing. This has been

often proved by a new-comer, who has found his utmost efforts fruitless under such circumstances. In addition to this, there is the fact that your relations are the only people who ought to be expected to, or who will as a rule, feel a real interest in your welfare.

I remember, some years since, a relative saying, with an air of great triumph, when referring to not being on friendly terms with her husband's family, "She would rather live in spite than pity." Beware of any such sentiment possessing you. I have lived long enough to see and feel that a life of misery and mortification is too often the result when it is carried out, and I would rather have the whole world pity me than live on unpleasant and bitter terms with only one of its inhabitants.

Secondly,—It is imperative that your physical powers be unimpaired, and that your general health be such as will entitle you, in the ordinary course of Providence, to expect a long life on both sides. To marry a girl in delicate health, or who has in her family some hereditary disease, or for you to marry knowing that you had the seeds of such disease, or if even you had good reason to fear such was the case, would not only be a folly, but a crime. Actions are either *right* or *wrong*, and if you knowingly take upon yourself to stock the world, *your world*, with poor diseased incapables, you are acting contrary to the first dictates of human nature, and the laws of your Maker.

Must, as a business man, ask you calmly to weigh the above statement. It is one which affects you most intimately, and, in every sense of the word, most vitally. It would be absurd to allow your feelings to

get the better of your judgment here, and the subject is of so serious a nature as to demand the exercise of your utmost energies to overcome your inclinations, if they lead in a direction involving a union between you and a person such as I describe. And yet it is surprising how many thousands continually rush into this fearful error, and involve themselves and others more or less in misery for years, it may be for ages. I have now lying before my eyes, while I write, a beloved wife dying a lingering and frightful death from an internal disease, brought on by an accident. For months my heart has been well nigh broken at witnessing her sufferings, and knowing that she must die very soon. What think you would my feelings have been had I married her and allowed her to become the mother of a family, if I had known that that or any other disease existed, and must, or probably would by-and-bye develop itself and bear its fruits of misery? And yet you know many who will do these things, and you are compelled to witness it almost every day. If I attempt to illustrate the fact, you will perhaps say it is useless; and yet, to show the extraordinary extent of it, I will only travel a few yards from my own home to give you cases in point. One of my brothers married a girl he ought to have known was consumptive, and lost her two years afterwards. My landlord's son knew he had an incurable internal complaint; he married, as his friends, on my remonstrating with them, said, with the hope that it might be beneficial to him, and died two years after. The next-door neighbour but one allowed his son to marry, although he knew he was in a consumption, and he died within twelve months, and his

wife had a child a few days after his death. Another, an opposite neighbour, afflicted with scrofula, had five or six children, all of whom were really fearful objects to even look at; but what lives were before them! Were these marriages justifiable?

Thirdly,—Your ages should not be too far apart. The man ought to be older than the woman; but if more than from five to eight years, it will become next to impossible there can be long-continued participation in the same pleasures and pursuits, as the one will be less energetic than the other, and incapable of the same enjoyments or engagements.

No doubt you are familiar with the print of May and December, and if you are at all likely to fall into the error of going to an extreme in this respect, get that picture and study it every day carefully, and make up your mind that the expression of that young woman's countenance is a true index of the heart. To say that a young man cannot love an old woman would be untrue, and the same of an old man to a young woman; but to suppose there can be a mutual exchange of *the same kind* of affection would be absurd, and contrary to nature. A lady, a friend of my wife's, on hearing the extraordinary protestations of love and affection, made by a woman of twenty, about her husband, a man of sixty-five, which she finished by saying that she was sure no two persons of equal ages were ever happier, replied, rather tartly, "Nonsense, you know nothing about it; if you had married a person of your own age, you would not talk so foolishly." Of course you have known many instances where a husband has married a young wife, and by

her trying to bring his habits to agree with her own, his life has very soon been ended. I had a neighbour who, humanly speaking, might have lived many years, but died four months after a third marriage,—a very intimate friend, who only lived six months,—an acquaintance, a really jolly fellow, who was worn out and gone, through the gaiety of his wife's life, in nine months. As to the minor inconveniences of walking by the side of the Bath chair, or trying to keep step with the senior member in such unions, they speak for themselves. The main and important points of life are *happiness and usefulness*, and a disregard of the principle laid down renders the attainment of either very unlikely.

Fourthly,—Your dispositions and temperaments should be as nearly as possible the same. If you are a very passionate man, and your wife is a mild and gentle creature, you will become a tyrant and she a slave. If she is of a warm, ardent temperament, and you are cold and phlegmatic, there cannot be any real sympathy. You may be happy, but she will be unappreciated, and will feel it.

This is a difficult proposition, and one about which there will be a difference of opinion. I remember my uncle, a very intelligent man, once saying, on my mother's complaining of the coldness and unappreciativeness of my father's disposition, as contrasted with her own warm, ardent, speculative, enterprising temperament, and regretting that two such contrary characters had ever come together, "It is quite right; it would not have done for both of you to have been alike, as your different temperaments now correct one

another, and produce far better results than two of the same kind could have done." I was only a child, yet I could not in my own mind but demur to this dogma, as, although they were both very fond of each other, they had a very extraordinary way of evincing their love by constant quarrelling and jangling. As my uncle, after living unhappily with his second wife upwards of twenty-five years—whom, I suppose, he married on his own principles—has separated from her, I am strengthened in my childish idea that his proposition is unsound. I could give you many instances of this, but feel sure your own reading and every-day observation render it unnecessary. Only study carefully for yourself that you avoid the evil pointed out.

Fifthly,—Your principles must correspond. For a Christian to expect to be happy, if he marries a Mohamadan, or a Jew a Hottentot, you would say would be absurd; but for a Protestant to marry a Catholic is not the less so. Even the Jews fully acknowledge this principle, so clearly laid down in the Bible, by refusing to marry our lovely countrywomen until they have been made Jewesses. They dare not do it, and we well know what the Mohamedans say of the Giaour in this matter. Indeed, that the religious persuasion of the two parties to be united should agree, is of the utmost importance, not only to themselves as to their own comfort, but also to their posterity and to the national religion or creed they profess. Many religions absolutely prohibit marriage unless the parties are of one faith.

But, however the old law may have insisted on this point for the preservation of the knowledge of the one

true God, by keeping the Israelites distinct from other nations, it is no less imperatively laid down in the New Testament. If Samson had to pay dearly for his indulgence in the smiles of the fair Philistine, you, young man, if converted, or, in other words, a real Christian, shall pay too, if you will insist on acting contrary to true philosophy, and, above all, the positive commands of your Maker. And here I must put it in broad, plain terms, that if you will be unequally yoked together with unbelievers, your portion in this life shall be that of bitterness, and whatever affection there may be, you shall (until God's grace change the heart of your partner, which you have no right to speculate on) have a gnawing worm at your heart, which will effectually sap all true happiness. As your children grow up, you shall have this feeling increased, until you will cry out, "Oh, wretched man that I am, thus to have united myself to one whom I have no real ground of hope to expect will be a companion to me in heaven!" and as you look in your sleepless hours on her sweet face, you shall agonisingly exclaim, "Would God that Satan should be bidden to release her from his grasp!" As to the education of your children, and their religious training, you shall be made to feel with intense agony that their souls are given to you in trust for the Lord, to bring up for Him, and that she who ought to exercise the greatest influence over them for their eternal welfare *cannot*.

I have gone so fully into this, further illustrations seem needless. You have, no doubt, often seen the husband go to church and the wife to chapel; or worse, one or the other refuse to go to any place of worship

at all. Where there is such a wide difference as between a Catholic and a Protestant, the result as to the education of the children usually proves most painful. I had a cousin who married a rich Jew, and some years afterwards became a truly religious woman. Although very much attached to her husband, you may judge of her feelings in being absolutely prevented from going to any other place of worship than the synagogue, and in seeing her own children brought up in a belief which she knew to be fatal; she being unable to teach or guide them into the right path by the severe restrictions imposed by her husband. There is hardly a family without an illustration of the proposition laid down, and you must know of many to whom these facts apply: study their condition, and avoid their errors.

Sixthly,—There should be the greatest care that you know well, not only that the principles professed are the right and suitable ones, but that they are *really possessed*; and here it is imperative to observe that, under the present system of courtship, it is next to impossible to ascertain the real character of the parties. The whole state of things is totally at variance with sound common sense; and I assert broadly, that many men marry wives knowing less of their *real character* than they do of the temper of the horse they drove for the first time yesterday. In olden times we had our friendly merry-makings and kindly gatherings, where all was simplicity and open-heartedness. A young man then could get an insight into the actual character of his adored, before he was compelled to declare himself a suitor; but now, our fair ones are so hedged about, not only with their crinolines, but by the customs

of society, that a young man has no chance of seeing the beloved of his heart, except when she is set out for the occasion. The extraordinary effect produced by a real insight from some unforeseen visit or circumstance, which has unexpectedly revealed the true character, is often seen in the sudden breaking off of proposed matches. I remember hearing some years ago of a newly-married couple retiring to their bed-room, when the bridegroom first took off his wig, then a set of teeth, then a false leg, and was about to unscrew a false arm, when the bride, unable longer to put up with the deception, declared she had only married part of the man she expected, and rushed out of the room, abandoning the honour of married life. And this is but a literal picture of what is mentally revealed in too many cases after marriage. *Why is it that matches turn out to be unhappy, except that the parties find they have been mistaken in their expectations as to the qualities, temper, and dispositions of each other?* The civil contract, as it is termed, has been entered upon under a miscalculation—the elements have been found uncongenial—it had been supposed there would have been only a necessity to unite two similar natures, and bring them into delightful sympathy and accord; but it is found that vinegar and oil cannot combine.

I recommend you to look for a wife amongst those you know most of, so as to be likely to ascertain more easily what is the real disposition. It is only natural, in courtship, that each party should try to hide their defects, and to make themselves agreeable; hence the difficulty of getting at the true state of things. I would,

as one hint, say, "Do not be bound only to visit at stated times and seasons the person you think of making your wife; but drop in unexpectedly and at various times, and watch the exact effect of these visits." I know a very sensible man, who had paid his addresses for some years to a young lady, but whose calling at sea only allowed him limited opportunities of information as to her real character. When he left sea and thought of settling down, he determined, if possible, to know her true character, and for this purpose to devote three months to obtaining a real insight into it, before he made her his wife. The result was, that he found her habits, as a rule, so totally contrary to his own, that he wisely made up his mind not to marry her. Another gentleman whom I knew, was unexpectedly asked into his sweetheart's bed-room to wash his hands, and was so satisfied, from what he saw, as to her indolence, that he gave up the suit; and a third, who ascertained from an old servant the habits of the party, came to a similar resolution.

I consider a man is justified in taking any fair and honourable means to ascertain the real character of his intended, as it is next to impossible that he can obtain it, from their very restricted intercourse, in a more direct way. How many thousands would have been saved the most poignant sorrow, if they had only candidly avowed their true sentiments before marriage! One of my brothers, a liberally disposed fellow, two days after his marriage, proposed to appear with the rest of the family and bridesmaids at chapel in full dress; but as the weather was wet, not all the entreaty of husband or relatives could induce the wife to do this, for fear of

spoiling her dress. This little fact was the key to her real disposition—meanness, and a desire to save; and, as you may imagine, the union has not been a truly happy one. What a pity she could not have refused to wear her best dress a few days sooner, and thus have shown her true character!

Seventhly,—If you have not the most implicit confidence in each other, and feel that you can, in being united, become one in reality,—that is, in interest, affection, and pursuits,—you ought not to marry. By this I mean, that no one ought to marry another, unless he or she has entire confidence in him or her in *every respect*. And I would observe, that, except in the case of a man marrying his wife's sister, *all separate interests are likely to produce unhappiness*. For a woman to keep what is left her for her sole use is a necessity; but to insult a man she professes to adore, &c., by refusing to marry him, unless that over which she now has the control is settled upon herself, is to assert that she will not be put at his mercy, has no opinion of his prudence or continued affection, and to lay the foundation broad and wide on which every trifling incident will accumulate, and become the eventual structure of a gigantic, incessant, and intolerable evil. "My little income, my money, thanks to my prudence, I am independent of you," &c., are the poison which is too often infused into the cups of most persons who are foolish enough to allow a wife to have a separate income of her own.

I expect to be severely handled by many on this subject, and I must allow that there are cases in which settlements prove most advantageous, and where

the whole family would have come to destitution without them. One of my own brothers would have been badly off indeed, had not his wife's father wisely taken care that her property, or rather what he left her, was so settled that the husband could not squander it away.

In this commercial country there are so many risks and rises and falls, that one cannot but think, where the means exist before marriage, without interfering necessarily with the prospects of the husband in business, that a settlement is a very good thing, and a very safe one, even at the risk of making a woman to some extent independent of her husband. I knew a case a few weeks since, where a lady, a widow, by marrying, gave up a large income, and the brothers very properly insisted on a settlement equivalent to about half the amount.

I have known of many other cases where persons have been in appointments, and had no hope of making any provision to any extent for a widow or family, where property has been wisely left to the wife and children, or settled on her before marriage. But these are not the cases I refer to, or those which make the heartburnings that exist too often in the married-life experiences.

I refer to the young tradesman or professional man who is working his way up in the world, and has the battle yet to fight, and needs the sinews of war, or in other words, money to help him on. It is in such a case as this, where, I say, the interests are identical, and the wife ought to have sufficient confidence to enable her to trust him with what is so necessary for their welfare. This proposition was warmly contested a few

days since by two of my friends, the one a clergyman, who supported the settlement view, and stated that in his own case he had preferred it; and, owing to some very extraordinary circumstances which have since befallen him, he adopted a very wise course;—the other by a solicitor, who, with his wife's consent, on his entering into practice a few years since, took her little fortune, and, by applying it judiciously, has not only made a handsome sum of money, but established a good business.

I think, however, it will be unnecessary to go further into the question, and will therefore only add a few extracts from the public press,* showing that my views are not altogether unsupported:—

MARRIAGE SETTLEMENTS AND ELOPEMENTS.

To the Editor of "The Times."

Sir,—I can confirm "A Sufferer's" allegation that the pecuniary independence of the wife is one of the fruitful causes of the breach of the marriage vow.

In the course of a legal experience of nearly 40 years I have seen a very large number of cases of privately arranged separation between husband and wife. In every case but one the wife had a provision independent of her husband; and in almost every case the wife was the chief wrongdoer.

I am, Sir, your obedient servant,

Jan. 18.

A LAWYER.

To the Editor of "The Times."

Sir,—“A Sufferer” may be glad to know, that the advice of so high an authority as Lord St. Leonards is against the first

* “The Times,” Thursday, January 19, 1860.

trust of the wife's portion being for her separate use. In his Lordship's little book on Property Law he writes:—"Such settlements are not to be encouraged; they lead to disputes between man and wife in after-life. . . . They tend, in short, to destroy the true relation between husband and wife." And—"The husband may have to maintain the establishment and educate the children without the aid of what ought to form part of the common fund, and without which, in many cases, he could not prudently have married."

I am, Sir, your obedient servant,

X.

— — —
To the Editor of "The Times."

Sir,—The admirable letter of your correspondent "Sufferer" in to-day's paper, on "Marriage Settlements and Elopements," is well calculated to rouse the attention of all thoughtful men. The impolicy of the prevailing custom of settling a wife's money upon herself in such a way as virtually to reduce the husband to the position of a pensioner upon her, is naturally enough made the more apparent by such flagrant cases as those to which he alludes as of very recent occurrence; but there is another evil attendant on it, not the less mischievous because silent in its operation, and which, if unarrested, will assuredly do more to undermine that holy relation between man and woman than the most ardent admirer of Socialism could desire. Great as has been the light thrown upon the morals and manners of the present day, by the institution of the new Court of Divorce, does any one imagine for an instant that the misery caused by the settlement of a wife's fortune upon herself is confined only to those cases where the result is unfaithfulness? Does not the experience of those who have the means of forming a correct opinion tell them, that for one case that goes to that extreme there are hundreds of others where the wretchedness, misery, and unhappiness of the parties can be safely and unerringly traced to this cause? The power which a woman thus obtains is too great. The natural order of things, and the relation of the parties, are reversed by such an arrangement. The wife is virtually independent of the husband, and that feeling of

reliance by the weaker vessel upon the stronger, which is the foundation of all confidence, is first impaired and then destroyed. No sensible man who is engaged to be married to a woman of large fortune would think of objecting to a fair sum, in reason, being settled upon her. It is to the exclusive first life interest totally independent of her husband that I point to as often fatal in its operation to the happiness of the parties. Of course there will be cases where no amount of power thus conferred upon the woman can spoil or divert out of its ordinary course the natural goodness of her disposition; but what I contend for is, that no man ought to be placed in such a position as where, from no fault of his own, he is dependent for everything on the liberality of the wife. How very few women know the value of money when applied to large matters, such as the cost of an establishment; and more than one case has lately come before me where the husband, imprudently perhaps, but from the best of motives, has sunk all his ready money in furnishing and providing the first outfit, at the cost of several thousands, relying on the large separate income of his wife, and which was amply sufficient to keep it up. The wife became discontented with her position, left him encumbered with liabilities incurred by him for her, and is now living apart from him, on the income of her own fortune, in luxury. I know, of course, that in such a case the assistance of Mr. Justice Cresswell may be invoked, and that the wife can be compelled to return to her husband's home; but what man is there, with a proper spirit and feeling of independence, who would not, under similar circumstances, prefer to fight the battle of life once again on his own account, and under every disadvantage, rather than submit to such tyranny and oppression?

I am, Sir, your humble servant,

London, Jan. 18.

ANOTHER SUFFERER.

Eighthly,—Let your marriage-vows be true vows; let them be ever present to your mind, and resist the first insinuation of the tempter to depart from any one of them. We are distinctly told to resist the devil, and he will flee from us, or in other words, to struggle

against temptations, and we shall overcome them ; but with reference to the attractions of any other woman than your own wife, I say, "*Flee from them ; do not attempt to resist or have anything to do with them.*" Instantly insult any woman, whoever she may be, who attempts, however guardedly, to tamper with your honour in this respect. Your conscience will tell you in a moment, if you listen to it, where you must draw the line between affability and politeness, and that creeping, flattering, worming, artful, but gradual insinuation of evil, the first shade of which I would have you detect, as your wife, if present, infallibly would do. Young man, if you truly love your wife, give up the acquaintance of any person, whoever she may be, who would insinuate anything against her, and resolve that she alone shall receive *all your* affections, and all your attentions, except those barely necessary for polite society.

I was shocked about a year after I had been married, on telling one of my clerks, who I afterwards heard had been a dissipated fellow, how grieved I had been to see a captain, in Hertfordshire, loose himself from the arm of his truly handsome wife to go and walk with a common bad character, and, in my innocence, was wondering how, if the man had ever loved one so lovely, he could act so, to hear him coolly say, "Oh, sir, that's nothing ; the best things get common to us by use and familiarity." The very insinuation that I could *ever* possess such a feeling made the man hateful to me, and, on my shortly after discovering that he had practised what he taught, and had attempted, although a married man with a family, to take liberties with the

housekeeper, I instantly dismissed him. But I have since seen deeply into the corruption of human nature and of society at large; and if I were to attempt to put on paper what I have seen, the public would not credit it. That there is a fearful and frightfully extensive state of sin in this respect going on, no one can deny, and that both married men and women are the perpetrators of a very large portion of it must be admitted. That our watering-places are complete haunts for this purpose is well known; but that some married women systematically draw into their wanton and hellish embraces one married man after another, and that with a total disregard of the results as to the wives and families of the latter, could hardly be credited, but such is the fact. I know of one woman, the mother of a grown-up family, and occupying a good position, with plenty of means, who has taken one after another of the best looking of her young married friends, and by a gradual insinuation of defects in their wives, having in some cases been their bosom friend for years, has effected her own diabolical purposes, at the ruin of all true happiness, and, in some cases, at the expense of separation in families.

Will you turn to the principle I have laid down (page 43, par. 22), as to persons in your employ having anything against their characters, and apply it here? for depend upon it, if you ever stray from the strict path of right, the devil will have found a chink in your otherwise impenetrable armour, and nothing but God's mighty power specially exerted will prevent your going astray again and again; and when once this feeling has got a footing, it will

grow like the fungus, and it will be as impossible for you to stop it as it would the outfall of a river whose banks you had just cut through. In plain English, if one woman will not satisfy you, twenty cannot. Your happiness as a married man depends entirely (other points being supposed correct) on your strict observance of your marriage-vows in this respect. There is no point on which a woman is or ought to be more punctilious. To prove the foregoing statements, I will give a living instance in the most lovely, fascinating creature my eyes ever beheld, and one, I must confess, whose evil charms I should be extremely sorry to be exposed to.

She married a highly respectable tradesman, and had a son by him ; but by her frightful extravagance he was compelled to leave the country. She then, in passing over London Bridge, in actual want, was fallen in love with by a Jew, and in a few months expended nearly all his fortune, about 15,000*l*. She then became acquainted with a young man who had excellent connexions, and who ultimately, on her husband's getting a divorce, married her. Her extravagance still continued ; but worse than that, under pretence of learning Italian, music, singing, &c., she encouraged, in the absence of her husband, the visits of many fashionable gentlemen ; and, although devotedly attached to her, at last, what with her extravagant habits and vicious conduct, he was compelled to turn her off.

Rely upon it that, if either husband or wife are foolish enough to speak slightly of one another, they do incalculable mischief ; but if they are dishonest to each other in the most solemn of earthly covenants,

there is an end at once and for ever of all hope of real happiness ; to say nothing of the constant struggle it must cause in the breast, even if successful for a time in keeping it secret. Most certain it is, that, sooner or later, it will come to light.

Of course I exclude from my remarks those parties who in many instances occupy respectable positions in life, and have either married their wives with a knowledge of the facts, and been paid down for it by an appointment or a ready-furnished house, or who are actually cognisant of its presence and receive the wages of iniquity.

If you will reflect, you will have observed that *some curse or other* always rests on men who break this command, equally and wisely required both by our own and our Maker's laws.

How frequently we hear of men being ruined by the extravagance of the parties referred to ! I was at Westminster Hall some few years since, where I heard the details of an action brought by a trustee against a husband for the purpose of recovering an annuity he had settled on his wife or agreed to pay her at the time they separated. The husband never could understand why she left him, but it all came out on the trial ; and the trustee, a married man with a large family, was proved to have induced her to leave her home, and to have become the father of three children she had since. How unfortunate for his wife to have read these facts the next morning in *The Times*, and thus, perhaps for the first time, to have become aware of her husband's unfaithfulness !

Only a few days since, one of my neighbours, who

had been married nine years, eloped with a good-for-nothing man who had been staying at the house a few weeks, and thus gave up a good husband, a sweet child, and a comfortable home, to be at the mercy of an unprincipled wretch who may cast her off at an hour's notice.

Lastly,—Make it a rule of life never to be absent from your wife when, consistent with your duty as a man of business and a citizen, it is possible for you to be present, and never go out for what the world calls 'pleasure' without her. This is a sound rule, and a just one. You ought to have every thing in common, to share each other's sorrows and joys; and how a man who really loves his wife can go out and find entertainment night after night I am at a loss to conceive. No man has a right to be absent from his wife beyond what is absolutely necessary. You will say, "May I not join a Rifle Corps?" Oh, yes, by all means, if you have time; but come home directly after the exercise is over. "May I not go out with this or that friend, or to this or that party?" I say, "No, not without your wife." I have an acquaintance—I am almost ashamed to call him such—in delicate health, with an excellent wife, good home and eight children, who is out every night except Sunday to some billiard-room, inn, theatre, opera, or ball, and who, on my stating I intended to go with my wife to see "*Il Trovatore*," as I had never seen an opera, insisted on accompanying us, and stated it would only be the fifteenth time he had seen it that season at that house. What can such a man's wife be but a miserable woman?

Many men will consider this rule by far too severe,

and I have been told that "It is absurd to suppose a man is not to take his pleasure as he pleases; he does all that is necessary to keep his home comfortable, and surely if he chooses to go to Cremorne or anywhere else he is at liberty to do so; he did not intend to become a slave when he married his wife, neither will he be always tied to her apron-string." "Very well, sir," I replied; "you are not my model husband, and if you act in that way your conduct will bear its fruit. Is it likely that a woman can love a man who evinces his pleasure in other society instead of hers? Does not such conduct speak plainer than words? and is it likely that a few endearing remarks, or petty attentions when you are at home, will make amends for your perpetual slights and absence? Any sensible man dreads the love of a friend growing cold; and can you quietly see that of a wife dwindle down to its lowest ebb?"

One of my clerks married a woman of property; she was very much attached to him, and he at first appeared to return it. He absented himself, first on one excuse and then another, until, in the course of three years, their affection had so cooled that a separation took place.

In my boyhood I used to hear the old folks say, when young persons were in love, "Ah, love indeed! put them into a room together for a fortnight, and they will soon get tired of each other."

As applied to married life, a greater fallacy was never stated, as there can be no doubt that, when persons really love each other, the more they see of one another the stronger the attachment becomes. A lady

said to me only a few days since, "People talk of the longer you live together the less you care about one another ; but I can only say, I love my husband, in every sense of the word, ten times more than I did fifteen years ago."

CHOICE OF A HOUSE AND HOME.

THIS, next to the choice of a wife, is one of the most important considerations for your welfare, as on it depend, in a great measure, all your material comforts, as well as health. If you are obliged to live where your business is carried on, either because you cannot afford to live away, or your duties require it, there is little to be said on the subject, but that little is of importance. Above all things, see that the drainage is good, that the water-closets, sinks, and waste-pipes are all properly trapped, or so secured as to prevent effluvia ; that there are no cesspools, but direct drainage ; that the water-spouts which run into the outer drains are so formed that no effluvia can arise from their heads or joints, and so enter your windows ; that if a street grating be near you, it shall be properly trapped, and inspected occasionally to see that no smell arises from it ; that, if in London, all your kitchen-walls, outer or yard-walls, cupboards, or areas, be limewashed at least once a year ; that water be kept, in dry weather, in the area, yard, or other grating-traps, to prevent smell ; that all your ceilings be washed and whitened once a year, and the paint cleaned ; that you have proper ventilation in the house ; that no vegetable matter be allowed to accumulate in the dust-heap or basement,

and that your dust be removed once a fortnight. To ensure your water-closets and sinks being kept clean, make it a rule, once a week, when the water is on, to let a supply run through them for five minutes at least.

If, however, you have to hire or purchase a house simply as a residence, I have some points of much more importance to name in addition to the above ; and as you are at liberty to choose, you had better select rightly. A few hints may help you to do this.

For your own sake, your wife's, and your business-interests, do not follow the latest modern practice of living as far as possible from your everyday avocations. I know of nothing so absurd as this mania of the present railway-times. I am acquainted with many City men, who are engaged from ten until six P.M., living at Brighton, or even Worthing, and coming to and fro every day, and who will, doubtless, continue to do so, as many already have, until the softening of their brains by the peculiar tremulous motion of the express trains, and the long distance, compels them to desist. Many men are absolute slaves to situation, and they know not why ; multitudes, who inflict these uncalled-for sacrifices, not being even able to give a reason for their preference, some not even having a friend in the locality. A man's real comfort, enjoyment, or happiness, ought to be quite independent of *locality*, and his first duty in choosing a house is to get one easily accessible and suitable to his everyday pursuits. For the sake of his own and family's health it may be desirable to live a little way out of town ; but let that place be so situated that you may most readily arrive at it. I mean by this, that it would be foolish.

for instance, for you to live at Reigate, when your business is at the West-end. Why not choose some locality in that direction?

Our next point is not the direction absolutely, but the situation, soil, &c., and here I have no wish to invade the province of our medical men, but will confine myself simply to general principles. Undoubtedly it is a fact that our constitutions, stamina, health, or whatever names we may give them, in fact the well-being of our bodies, differ very materially. Some men can live, and that to a very old age, in an atmosphere, on a soil, and surrounded by influences which would undoubtedly kill others, and, in some cases, as in my own, even their own children. As a rule, however, a situation is either healthy or unhealthy, in the general sense of the term; and although situations materially differ in their effects on the invalid, infirm or diseased, and are therefore specially recommended to notice, yet they must be in themselves actually healthy, or they would not deserve the recommendation. For instance, Brighton, Highgate, or Hampstead are bracing; Hastings, Brompton, or Torquay, warm and sheltered; and yet in some of each of these parts there are houses, and good ones too, either themselves so badly constructed, or so surrounded by deleterious influences, that it is slow but certain death to reside in them, and in some cases the very soil is sufficient to warn persons of the danger of their living in that situation—to say nothing of stagnant pools, and open ditches, drains, &c.

If possible, do not choose a house on a clay-soil, except in such a case as Sydenham, Forest Hill, or

Upper Norwood, where the situation is high and the land constantly rises and falls, and you know the drainage has also been thoroughly attended to ; but where the situation is flat, and there is no naturally quick surface-drainage, *avoid it*, as, although luxuriant and beautiful in summer, it must prove, more or less, unwholesome in damp weather. I know it is a generally received opinion that if a house is on gravel it must be healthy : nothing is more absurd, as gravel is often found in greatest abundance at the bottom of the lowest valleys, as, for instance, all along the whole Eastern Counties line, where it holds the water, and absorbs it for miles round, and is to be had within a foot or two of the surface. On a high level a gravelly soil must be healthy ; but at a low level the reverse is the case.

On no consideration take a house at a lower level than those around you, or with an open ditch or sewer or untrapped gully-hole near it, or without the drains from the water-closets, sinks, &c., run into the main sewer. Do not be satisfied that some day they *will*. Avoid that house, and take one where *they do*. None but house-agents know the little points which decide persons in taking houses, and how seldom the important ones are attended to. Drains, from houses where no sewer exists, should be carried as far away as possible from the house before they empty into the cess-pool. If there is a manufactory of any sort capable of creating a nuisance, do not take a house near it, and avoid too close proximity to a baker, butcher, tallow-chandler, or any trade likely to create effluvia or nuisance. Avoid, as much as possible, all houses with underground rooms, and take it as a rule that the higher

you get, both as to the level of the soil and above it, the better. Your drainage being correct, the top room in your house will be the most healthy, and the reverse as you descend. If the drainage is faulty, the top rooms, usually nurseries, will be most affected by its injurious influences.

If you have fixed on the locality where convenient, well-drained, at a high level, and free from surrounding nuisances, and have found a house you like, look, in addition to what has already been stated, to the following points :—As a matter of convenience it would be better to have the kitchen on the same floor as the dining-room ; but this is seldom, owing to the want of room, to be obtained. See, therefore, that there are no signs of damp in the boards, skirting, or walls, nearest the ground, and that no earth touches the *walls* outside. If the chimney-pieces are at all discoloured by smoke, make up your mind for the nuisance of a smoky chimney. If there be any cracks in the walls, or the doors, or shutters, to any extent, or the floors of the bed-rooms, on being walked over or jumped upon, rattle the windows, the house has been scampingly built. If there be a mouldy or damp smell in the house, although the drainage may appear perfect, there must be something wrong and unhealthy underneath. I have known of many cases where, on investigation, perfect cesspools of filth, from some defect in the drains, have been formed under the floors. In one case, close to my own house, after two or three attempts, or pretended attempts, to drain a house by making the water run up-hill, fever broke out, and another investigation took place, when it was found the whole drainage, to three

feet deep, had been festering under the floors for years. In another large house, close to me, the builder had run the pipes 150 feet into a common cesspool, and conducted an outlet or overflow pipe into an adjoining sewer ; but not until after the whole family had been stricken down by fever was it discovered that the outlet pipe was improperly laid above the inlet ; this was remedied, and the drainage has since been perfect. As surely as effect follows cause, will fever, sooner or later, follow bad drainage and bad smells.

I would suggest, however, after all, that the safest way, before you actually decide, is to employ a practical surveyor (half the persons calling themselves surveyors know nothing on the subject) to give you a written report of the actual state of the drains, &c.

Having settled on the house, you have now to arrange the terms of tenancy. These are various ; I will briefly enumerate them :—Houses of 20% quarterly ; that is, you are at liberty to leave at any quarter on giving three months' notice. Annually :—If taken for one year you can leave at the end of the year, without giving any notice, unless there is a stipulation requiring you to give three months' notice, and unless there be that arrangement you will be an annual tenant, and must give six months' notice to leave at the same time you entered,—that is, if you took the house in March you must give notice at Michaelmas to leave at the next Lady-day. Agreements for three years :—These will be the same in effect as for one year, unless there be a stipulation for notice ; and if you stay over the three years, you will become an annual tenant, and can only leave at the end of the fourth year, by giving six

months' notice, should there not be an arrangement to the contrary in the agreement. A verbal agreement may be made for any term not exceeding three years; but in all cases *have agreements in writing*. You must remember my rules as to conducting business, and where there are such chances of disagreement as between landlord and tenant, everything should be in writing. Let this be the case particularly, and inserted at the foot of the agreement, in reference to what he is to do, and the time in which he is to do what is required to fit the house for your occupation. Houses to which the above hints refer are always kept in repair by the landlord, and it is usual for him to agree to pay the sewers'-rate, land-tax, and property-tax; but, in some cases, the tenant pays the sewers'-rate. I think it only a just clause, although a very unusual one, that you should have a covenant in your agreement that, if the landlord fails, after a month's notice, to do the necessary repairs (by which I mean repairs absolutely essential to your occupation, such as the roof, drainage, water-supply, &c.), you are to be at liberty to do them, and deduct the amount from the next quarter's rent; as, in case of death or change of property, and, in many instances, from the difficulties or absence of the landlord, tenants practically can get nothing done, and are left to do what is needed at their own expense, take the risk of litigation, or put up with the nuisances. Many persons think, if they have an agreement on a 2s. 6d. stamped sheet of paper, it will be sufficient; but I advise that it be executed on plain foolscap, and afterwards sent to Somerset House to have the *proper stamp* put on it.

Although you will see, by-and-bye, I consider lawyers to be the curse of this country, yet, in such a case as this, I would rather give them a guinea to see the agreement was correct, if I had any doubt on the subject, than have to pay them perhaps fifty in litigation afterwards, in consequence of some flaw ; and you are using them for almost the only purpose they ought to be used for—to protect you from the *possibility* of injury or loss *unintentionally* through ignorance on your part. Besides this, as you are not likely to take a house often in your life, it will be as well to have your mind at ease on the subject.

A large and influential class, however, who will naturally refer the details of a bargain to their lawyer, take houses of such a character as are only let on lease. The terms on which these hold are, therefore, materially different to the former, and usually the houses are of a very different denomination. Taking a house on a lease means shortly, taking it as your own for a term of seven, fourteen, or twenty-one years, the tenant generally having the option as to its length, and being liable to all repairs, dilapidations, and outgoings whatever, as well as the stipulated rent. It is, therefore, doubly necessary, since you must bind yourself for a term of years, and that with stringent conditions, that you should well weigh the points herein stated before you decide, and still more so that you should have the assistance of a *practical* surveyor (and by this I mean also auctioneers, who are in some cases surveyors, and, as regards the actual value of property, generally better judges than mere architects and surveyors) to assist your judgment as to the state and condition of

the structure. That this point is one of vital importance many have found out only too late. It is generally stipulated either that a tenant shall lay out so much money to the satisfaction of the surveyor to the owner, or that he shall, if the house be in good order, paint it outside once in every three years, and the inside once in seven, and, in some cases, that he shall leave it in as good a state and condition as that in which it was at the time he entered; and then follows a very objectionable clause in many leases—"to the satisfaction of the said A. B. or his surveyor." It is almost always stipulated that you shall insure for a certain amount; and sometimes, if that does not cover the loss by fire, that you shall, in addition, make good whatever the landlord or his surveyor may demand beyond—a most unreasonable covenant, as it involves a double penalty, and is oppressive. That you shall pay the sewers'-rate, tithe, and rent-charge, which are fair; and, in some cases, also the land-tax, which will, of course, enter into your calculation as to the value of the house.

In some instances, a clause is inserted making void the lease in case of bankruptcy or insolvency; and I actually had one sent me with the barefaced clause (only recently, in a case where I had laid out 400*l.* on a house) that if I had even a county-court summons or distress, which might be for a church-rate levied *on me* (not on the premises), the lease should be void. It generally occurs that the agent who lets draws up the agreement as to the terms of letting; and you must be careful, before you sign this, to see that it does not involve much more than you are prepared

for—as, for instance, the lease to contain all usual covenants, and particularly all such covenants as are inserted in leases granted by A. B. As a general rule, you need not be afraid to sign an agreement drawn by the auctioneer or agent ; and usually it will save you much trouble so to do, if you are dealing with *a man who knows his business*, as it is the agent's object to act fairly between the parties, and expedite the matter ; but see to it, that what you are to be bound to do is put in black and white, and nothing left to general clauses. As a rule, you will find that, in signing an agreement drawn by an intelligent agent, you save not only money and time, but much vexation and annoyance. It is his object to put the simple contract in plain English ; it is the lawyer's to put every imaginable thing he can think of into it, so as to make many attendances on you or your lawyer, and thus get costs.

BUILDING A HOUSE.

It is not often that persons attempt to build a house before they are married, as the delay would be too much for their patience, and it is generally the case that they have not the money to spend ; but sometimes it is the reverse, and therefore my remarks may be useful, although short, to the unmarried as well as those who, through affluence in after-life, aspire to the honour of building a house for themselves. I am almost disposed to give my advice in a negative form, and to say, “ If you think of building a house for yourselves, do not ; ” but I will endeavour to make intelligible

what I mean by saying that ninety-nine out of a hundred who build houses regret their having done so. There is a strange mania for building, which I cannot account for on any other ground than that of pride and vanity, in the present day ; and for a man now to build his own house, and live in a house he has built, is a sort of passport of his respectability. As, however, it is the present fashion, let me give you some advice on the subject. *It is true* that "Fools build, and wise men buy," and no truth was ever so fully and incessantly illustrated. But you will say, why true ? Because you, as the buyer, have the opportunity of obtaining what has been already paid for by another, often under peculiar, distressing, or disadvantageous circumstances. Again, you pay for what you see suits your views, which he has had to create in order to ascertain what was suitable. You can proceed on safe, definite grounds ; his has been uncertainty. Did you ever know a private person build a house and sell it at a profit, except under very extraordinary circumstances ? It is not my intention to go into details as to the best mode of construction, but only to state general principles on which you may safely act. I would say this, as the result of a long experience, that it will be safer for you to enter into an agreement in which all the details are fully laid down,—that if A. B. will build you a house of a certain class, in such a situation, on such terms, you will become tenant of it, with the option of purchase within a given time. This will relieve you from all liability as to breach of contract, extras, &c. ; and many respectable builders, at a small advance in price, will be glad to enter into the arrangement. This will also give you the advantage of testing

the merits of the house, and the healthiness of the situation. If, however, nothing will satisfy you but paying an architect to draw your plans and specifications and superintend the work, see that you get a really practical man, not merely a man who can draw a pretty picture, and does not know Baltic from Memel timber, or one kind of stone or brick from another. Builders, particularly those of a moderate position who have worked their way up in the world, have very extraordinary notions about building. And it is desirable for you to have not only a competent architect or surveyor, but one above the possibility of being bought. By this I do not mean that you must go to the highest man in the profession—far from it—but to one who will not, for the sake of a liberal allowance for particulars of quantities or tracing of drawings, both of which should be supplied gratis, induce you to accept the services of such a builder as may either prove tricky or fail before your house is completed. If you have tenders sent in, let them be delivered at a certain specified time ; be there yourself, and see them opened, and give—that which you are in honour bound to do—the business to the one at the lowest price, provided he gives guarantees of his responsibility to carry out the work. Take care that you have a clause allowing any alterations at a fair price, to be settled by your own surveyor, and so as not to vitiate the contract, or you may have to pay what is called measure and value, or, in other words, the prices charged in books on the subject, which are at least one-third higher than those usually contracted for. Of late years, as these disputes are generally referred to a practical man, the system of upsetting the

contract, in consequence of some alteration, is somewhat discountenanced, and it is held that it shall stand *pro rata* as far as it has been carried out, and the extras be paid for on a liberal scale of charges. During the progress of the work, on no consideration alter any one thing named in the contract, without giving such order in writing, and having the price required by the builder for doing it put also in writing for such variation. You will remember I advocate *every order* being in writing, as the only way effectually to prevent the almost natural tendency of the human mind, where one's self-interest is concerned, from falling into misunderstanding. I repeat, therefore, *let every order you give for any alterations be in black and white*. Nothing is more common than, when a bill comes in for extras, to hear it said, "I did not order this or that." If your surveyor does his duty, and you exercise proper thought, you ought not to require a single extra. As a matter of business, it would be as sensible for a man who has been months preparing for a voyage, on the anchor's being weighed, to recollect something he had left behind, and ask the captain to wait a day or two for him to fetch it, as for a man and his surveyor, who ought to have made every arrangement, after the contract is signed, and the builder has commenced his operations, to ask him to stop his work and alter his course, to say nothing of the increased risk and expense incurred.

My own grandfather, sixty years ago, employed a respectable builder to erect five shops in Sun-street, Bishopsgate, at a contract price of 500*l.* each; and, on his going one day to look at the buildings, the contractor suggested to him the desirableness of forming a

sitting-room at the back of the shop, which he truly said could be done at a little expense. The old gentleman said, "Very well; I think it will be more comfortable for the tenants." When the houses were completed a bill of what is technically called measure and value came in, and he had to pay 1,000*l.* each, as well as law costs, for this simple deviation. If it were necessary, although perhaps, now-a-days, not to quite such a glaring degree, I could give you numerous other illustrations; but, no doubt, you have known many yourselves.

A few hints how to build, and where: — Do not build, if possible, on clay, unless there is a good natural as well as artificial drainage, and *never* on it at the bottom of a valley or dale. If you build on clay have a concrete bed put under your walls, two feet deep, and take care that your drains are laid in the *first* thing, so as to be below the bottom or level of the concrete. Have all the joints of the drains carefully closed and filled up. As soon as you get two clear courses above your footing, have a double course of large slates, the width of the brickwork, laid on in cement, and so that the top slate course covers the under joints, and have the next course of bricks laid in cement, and no damp can ever thereafter rise above that point. Keep all soil away from the brickwork, and if you do not like an area round the house, build a thin hollow wall, and let ventilators into it outside the other walls as high as the clay rises. See that you have all hard or stock bricks and good mortar; if the latter looks dark there is too much sand being used in proportion to the lime. The driest houses are those stuccoed, as bricks are porous. Let all your joists be at

least eight inches deep and two inches thick, and have them strutted or herring-boned to make the floor solid. Have the outside of the roof covered with matched boarding, and felted under the slates ; this will keep your top rooms very cool in summer, and warm in winter. Have all your floors laid with tongued or matched boards, as these, if they shrink, prevent the water, when cleaning is going on, from passing through and discolouring the ceilings under. Contrive to have a cupboard in every available nook. Have patent plate-glass in your windows—it is not very expensive, and improves the appearance of the house. A gravelly soil, if it lies high and dry, is the best soil to build on ; chalk next ; then sand ; but around London there is little else than clay or gravel.

FURNISHING A HOUSE.

THIS is one of the greatest trials young people have to undergo, and is sometimes considerably undertaken by the parents, who have bought their experience, but often falls to the lot of the parties themselves. The difficulties in the way of furnishing arise, in part, from the persons themselves not having made up their minds what they really want or wish, and partly from not being able to trust implicitly to any person to execute their order honestly. I do not attempt to say but that there are many excellent houses which could be trusted ; but that the cutting, cheating, lying system of the present day has no field so extensive for its exercise as that of the furniture dealer and upholsterer. It has been said that to be a lawyer, and be strictly

honest, is impossible, or next to it, and I firmly believe that statement to be true ; but it is no less so that to keep pace in the present day with the unreasonable demands of the public, who are tutored by the cutting, puffing shops, renders it almost impossible for an upholsterer to be a strictly honest man, without his being known, at the same time, as charging high prices. The artificial state of society and trade operates here in a most injurious manner against straightforward dealing, and it is almost as impossible to obtain what you really ask for in this department of trade, as it is to get pure tea, milk or coffee, &c. When you are buying a sofa or a chair, which is recommended to you at a very low and tempting price, as being stuffed with all horse-hair, reflect that it may turn out to contain horse-hay instead. Only this very day, a friend of mine showed me a carpet that he had bought, at apparently a very respectable house, which was warranted as the best Brussels, and turned out to be the third quality, worth only two-thirds of the price he had given. In carpets, the cutting shops, whose exterior and extent also ought to speak better things, unblushingly and prominently parade as Brussels carpets mere painted, tawdry goods, which carry the lie direct on them, and yet these houses get custom. I believe that a great part of the *cheap furniture system* has arisen solely from the social evil of love of display ; and our small clerks and tradesmen, now-a-days, must have their drawing and dining-rooms filled with cheap furniture, to last four or five years, whereas their forefathers were satisfied with one solidly furnished so as to last their lives. My own



father has now chairs he has used forty-five years, and they were bought second-hand, and will last forty-five more ; but I should like to see a chair of the present day attempting to start its career with such pretensions. Ninety-nine chairs out of every hundred manufactured now, would, if they could, or their owners would, ridicule its temerity. Depend upon it, the safest way to get well furnished, is to go to a respectable man, and let him undertake everything for you, and it will then be worth his while to do it reasonably and well. Prefer a man who has all his goods marked in *plain figures*, who allows you to select what you choose, merely occasionally suggesting an alteration, and not pressing you to give orders for the most elaborate and expensive articles. Persons who will be so clever as to give themselves an enormous amount of labour in going here, and there, and everywhere, to try and buy things cheap, always end in getting nothing complete or in uniformly good taste ; whereas, if the upholsterer you go to is, as the better class are and ought to be, a person of taste and judgment, you will, however plain or neat you may furnish, have what you purchase in harmony, character, and correct style.

To illustrate this subject would be perfectly useless. Not a day passes without yourself or friends having painful experience of it ; and if the public will still continue to encourage the dishonest, cutting houses, who get far higher profits than the respectable, honest ones, they deserve all they meet with.

It sometimes happens, however, that persons purchase a house of furniture all ready to hand, too often

prepared by some of the class already referred to, and *to be sold a bargain*. In that or any other case, even where you know it to be *bona fide*, employ a respectable auctioneer or valuer to advise you as to the real value, and leave it to him, as between yourself and the seller, to fix the price ; but stipulate, for your own satisfaction, that the valuation shall be in plain figures. I know nearly all auctioneers will object to this, because they have not sufficient knowledge of the details of every article to fix it ; but I would insist on it as a pledge that they must then be very careful to ascertain the value of every article, and not trust to an average sum for the whole.

INSURANCE.

BEFORE you get married, unless your intended wife has enough to keep her, your first duty is, to insure your life for such an amount as you can comfortably spare the expense of. Of course you will be prudent enough to insure the house, if it be your own, and the furniture to the full value ; if your livelihood depends entirely on your own efforts, it will also be your duty to insure against loss of health and accidents.

MAKING YOUR WILL.

HOWEVER extraordinary it may appear, it is your duty to do this, as the next step. Look at facts occurring every day, and you will see that it is as much your duty to make your will before you marry, or immediately after, as it is to insure your life or

your furniture. Your wife ought not to be left to any chance or misfortune which it is in your power to prevent ; and making your will—if you die early or suddenly, as we all may—would relieve her entirely from any question as to what might have been your wishes, or the risk of their not being realised. Think of the expense incurred about the case of “Swinfern,” where doubts were thrown upon the will because made almost at the last moment ; and how much worse are the cases, which occur every day, where no will exists ? It is surprising how stupid some men are on this subject ; nothing can induce them to make a will, and many tell you plainly, they know if they do they will die directly after. As no man’s life is safe for an hour, a matter so important as a will should not be left to the possibility of a risk. Little did the secretary of the Bank of England, when crossing King William-street, think of that tub falling on his head and killing him in a moment ; and a railway accident or sudden death may be our lot, for aught we know, to-morrow.

RATES AND TAXES.

THIS dear old country of ours is unfavourably distinguished from others by its enormous taxation. It is useless to complain—we have only to meet it in the best way we can ; and I advise that, by inquiry of the parish and other authorities, and your neighbours, you make up your mind first of all that you are fairly rated to the poor, as on that all other rates and taxes depend. If you are rated above the average of similar houses in the district, appeal again and

again until it is *lowered*. Next open an account to each tax or rate in a small ledger ; and lastly, pay every tax promptly to save annoyance.

It is your duty, now that evening vestries are held, to attend them and see that the affairs of your parish are going on right, and not adopt the modern fashion of not considering it respectable to interfere in parish matters, and so leave them to be managed by a clique, and in the end (as too often happens) have, once in every seven years or so, to pay your taxes twice over, because the parish affairs had not been properly looked after. I should be sorry for you to imitate my father, who, for nearly fifty years, has devoted, from a laborious occupation, at least one whole day once a week to parish matters ; but it is a duty you owe to yourself to give them some supervision.

A tenant is not liable to any rates or taxes left unpaid by the former occupier ; and, although he may be compelled to pay the property tax and sewer rate, he can deduct them from his next rent ; but for his own sake he should see that the water rate and gas has been paid, or they will be cut off unless he pays them ; and he cannot recover these from the landlord without he makes a stipulation in his agreement that the landlord will see all rates and taxes paid up to the time he takes the house.

COMPANY AND FRIENDSHIPS—DRESS AND EMULATION.

THE subject next in importance to housekeeping and living within compass, is that of the friends, ac-

quaintance, and company you intend to keep. Not only is it a fact that a man is known by his friends, but it is of imperative moment that he select and determine what friends he will have. I will not insult your understanding by supposing you to evade the question by saying, "Oh, I cannot help being friendly with such ~~an~~ one, although he is not what I admire," as I hold it ~~—~~ to be a sacred and binding truth that, when a man marries, he obtains all he ought ever to wish for as a companion on earth, and that any other friendship must be, if there is to be permanent happiness, entirely subservient to the first and great obligations of a man and his wife's frequent, uninterrupted, and entire intercourse and happiness. My own notions, and I think they are both scriptural and sound, are, that all friendships which in any way *tend to dissociate* the married pair are undesirable, if they are not absolutely harmful; and to say that a man or woman is never happy except when they have company with them, is to give me the lowest possible opinion of their intellectual powers or their mutual attachment. If a man cannot be happy at home, it is impossible for him to realise happiness elsewhere. Man in himself is so wonderfully constituted, that he is capable, *if he will*, of complete and entire happiness as far as mortals are allowed—within himself, totally independent of others. I hold it to be a fundamental necessity of our existence, if it is to be happy, that we fully assure ourselves that we are capable of making our own happiness; and when the mind is educated it must be evident that this is so. If you will only train your mind aright you will be able to realise this great

advantage ; but as woman was given for man's comfort and to enhance his happiness, when a man gets married, I insist that, with the possession of that object he so completely sympathises with and loves, he ought to realise at once the most complete happiness this world can afford. He ought not to require, as a *necessary* to that happiness, even the companionship of a single friend or relation. These are broad but absolute truths, and truths which you ought to realise. I do not, however, in stating them thus, intend you to infer that, because you get married, you ought to give up your friends or relations—far from it. I do, however, wish you only to visit them, or allow them to visit you, in such a way or to such an extent as will enable you to enjoy most fully that happiness which it is the great design of your Maker you should enjoy. God made man happy; it is His will he should be happy; but man has, to an incredible extent, and by the evil customs of society, frustrated the beneficent designs of his Maker. I am sure that the wretched system of the present day—style it fashion, custom, or what you please—on which the company, intercourse, or friendship in the upper and superior middle class is conducted, is one of slavery, hollowness, and utter worthlessness, productive of envy, hatred, frightful expense, and no real good results. The extreme absurdity and formalism of our morning calls—the frivolity of the conversation—the stiffness of the interviews—in no way assist in imparting happiness. Unfortunately, they too often expose the extravagance of those visited, and, as is now the fashion, lead to its imitation. Need I say that the discovery that Mr. A. has now three

servants makes your wife discontented? and as your position is as good as theirs, to be on an equality you must have three also. The extent to which this is carried is hardly credible; it is one of the evils of our modern society. The fact that Mr. H. now drives a pair of horses, and is in consequence admitted into society he could not before enter, leads to its adoption by you. Strange as it may appear, if a man occupying even a higher position drives only one horse, he is excluded from a certain circle, and will be *until he has a pair*. That So-and-so's lady never appears in the same dress twice, puts 100% a year on to your milliner's account; that your next neighbour now has a page as well as a groom, leads to your being compelled to have one likewise; that such a dinner party was given in such a style, forces you to return the compliment. It is unnecessary to pursue the subject—it rises gradually from the small clerk's or tradesman's house with one servant, and two suits a year, and two good dresses for his wife, by the force and power of example and pride of being as good as others, up to the 10,000% a year, with an enormous failure at the end of a stylish but short career.

If you want to be happy and respected you must set your face like a flint against the follies and vanities of the present age. You must resolve to be happy in yourself and your own family, and never to encourage an expense, such as a dinner party or ball occasions, without being fully satisfied that you are able, not only comfortably but most conveniently and in justice to your family's wants, to spare the cash. Need I say more as to whom you should invite as

companions or friends? Of course, you will only associate with those whose characters you fully approve. I know you will be disposed to answer me as the elder Rothschild did the friend who lent him "Mammon," an essay by Dr. Harris: "It is very good; but it is evident the writer never experienced the pleasure of making money, or in the present care of those pleasures he condemns." You imagine I am a morbid, company-hating man, perhaps very studious, probably irritated by disappointment or losses. Quite the contrary, my reader; although I have gone through more than one man in a million has or could do, I am a man of extraordinary spirits, naturally fond of society, music and conversation, and never so happy as when at home enjoying myself *with a friend*; but companionship or friendship, as understood by the fashionable world at the present day, I utterly abhor, and would rather be banished to the wilds of Siberia or Australia than be compelled to be subjected to its unhealthy influence. I have come to the conviction that friendship is a rare virtue in the present day, and that mere acquaintanceship is worse than useless. I know persons in prosperity, when the sun shines on them, have many friends *so-called*; but, when the day of adversity comes, they have most surprisingly short memories. Look now on your own circle, write their names down, consider each character by itself, and then determine which of them you may depend on for a friend in need if you are a bankrupt, or do any suddenly injudicious act which disgraces you to-morrow. Send your cards to those, and to those only.

I cannot leave this subject without saying that everything ought to be brought to the great utilitarian standard of "*what real good am I to get by this, or can I confer by it?*" and if you will only determine that your society shall be guided by this fundamental law, how different a state of things will ensue!

I remember, some years since, when about to try an action, being remonstrated with by my lawyer, who honestly said—"Well, if you succeed, what good will it do you? We shall reap all the advantage, and you none." That remark decided me never again to do any act where there was not something like a certainty of good arising out of it.

Existence is a gift of solemn importance; its employment demands serious consideration. How it shall be employed depends entirely on ourselves, and for ourselves alone we shall have to render the account. Is it fitting that the greater part of it should be frittered away on the follies of dress, or the fascinations of the ball-room, opera, &c.? Should the merits of the shape of a bonnet, the style of a dress, the quality of a shawl, or the composition of the last fashionable song, be allowed to absorb a large amount of this short span of our existence? We are progressive beings, our minds being the distinguishing feature mainly between us and the brute creation. It is intended by our Maker that those minds should go on developing themselves. Solomon says, "As iron sharpeneth iron, so the countenance or conversation of a man sharpeneth that of his friend," and unless your friendships improve your minds they are worse than useless. It is hardly necessary for me to say, in the present day we have

many persons holding their heads high, and giving large parties with their creditors' money. I had one customer who kept six or seven carriages, and drove his four-in-hand, while he owed me hundreds, who, three months after, was sold up, and is now a beggar; another, who was putting lace costing 1*l.* 1*s.* a yard round her children's petticoats while her husband was being "dunned," as he called it, for money he could not pay, and still giving frequent dinner parties without the means; and a neighbour close by, who has stood very high until of late, actually gave a dinner party to upwards of 150 persons, in the greatest style ever known in these parts, the evening before his suspension appeared in *The Times*. Such acts have only one appropriate name—downright dishonesty.

LUXURY AT LIVERPOOL.

(*"Liverpool Albion," March, 1860.*)

Let any man who has known Liverpool intimately for the last thirty years recount the history of the men who at that period, or for ten or fifteen years afterwards, were largely engaged in commercial pursuits, and of those who are still alive how very few could he reckon to be affluent, and of those who have gone to their account what lamentable records of their industry are visible in their scattered families! Now, it cannot be denied that in too many instances improvident expenditure has contributed in some degree to such results; but improvident expenditure is the rule, and the young people of the present day do not feel satisfied to begin the world unless in a style approximating to their fathers', and hence 300*l.* a-year is tabooed entirely as at all adequate for young married life. Nor does the evil stop here. The inclination to affect the style and habits of the "upper ten thousand" is sensibly on the increase, and you go to a merchant's dinner party now-a-days, probably of sixteen or eighteen, and find a man-servant behind almost every chair. Nay, we have

come to a climax in Liverpool, for we have a local Almack's; and even amongst this select set the East and West Indies keep aloof at their balls from North America or the River Plate; the Brazils and the West Coast of America pooh-pooh Irish provisions or Baltic wheat; while ship, share, and produce-brokers are mixed up in a heterogeneous mass, and admitted according as they suit the fancies of the busybodies who fuss their lives away riddling such chaff. Now, if this view of our middle classes be correct, the condition is not a healthy one, and the sooner its hollowness is exposed the better. It is in vain to be lecturing at and to the working people while those above them, and to whom they ought to look for an example, are mere shams.

HOUSEKEEPING AND THE MANAGEMENT OF SERVANTS.

A KIND friend, who had partly written a chapter for me on this subject, has been prevented, by severe illness, from completing it, and I am thus obliged to make a few remarks from my own observation; but, if a future edition is called for, I will endeavour to have my friend's very able observations inserted in lieu of my own, which can only be crude and imperfect.

Housekeeping implies the superintendence of all that appertains to the interior of a house, and conveys the idea that one who is to attend to it must be acquainted with its details and requirements. As the husband is the head and manager of the business or out-door department, the wife is naturally of the indoor or domestic. Hence it follows that if he is required to know his business, and conduct it on sound principles, no less care should be taken that she should also have been educated so as to take her pro-

per position with ease and capabilities suited to its duties. If it cannot be expected of a man of business that he shall properly discharge duties with which he is unacquainted, surely the same remark will apply to the every-day concerns of his partner. I am totally unable to write as a lady would do on this subject; but it is one which, in the present day, is being so completely misunderstood, I cannot forbear saying something about it. Are our young ladies now-a-days so brought up as to make good housekeepers? If not, they cannot make valuable wives. Is it not a fact that mammas set too much importance upon accomplishments instead of useful knowledge? How many of our middle class (something higher than mere tradespeople I mean) know anything whatever of domestic matters? True, some of them do; but do their daughters? Would they not consider it beneath them to allow their daughters to make the pastry, or assist in getting-up even the fine linen, to say nothing of knowing how to manage the cookery department? What would many such mammas say to their daughters' making their brothers' shirts, or mending their stockings? and yet these are some of the most important domestic details a wife has to attend to, and which are of daily moment to our comfort in life. Can a man, who marries a wife totally ignorant on these points, expect his domestic affairs to go on smoothly or economically? I will assume, however, as a sensible man, that you would not think of marrying any girl, whatever may be her beauty or accomplishments, unless she is thoroughly what is called domesticated, or, as I should term it, fitted to take the management of your house.

The first point of importance for you to attend to is to see that she so conducts it as to live within your income. This must be laid down strictly as a law, that your expenses every week must not exceed a given sum, which you can comfortably afford. By this I mean—making allowances for clothes, rent, taxes, and other items—if you have 200*l.* left clear, your housekeeping expenses ought not to exceed 150*l.*

It is perfect nonsense for people to say they cannot live on a less sum than such an arbitrary amount. If they have not got that money, they must make up their minds to live on less, and drop their notions accordingly. It is a clear act of dishonesty for any man to allow his wife to keep his household expenses higher than his income ; and I envy not the man who gives dinner-parties, or dresses himself and family in fine clothes, at his creditors' expense.

Allow me to illustrate this. The wife of a professional neighbour, with a large family, who were dressed very extravagantly, always had a hot joint every day at one for the children and servants, and another at six for herself and husband and friends, occasionally varied by an extravagant dinner-party. One of the servants told me the mistress never asked about the cold meat, and so they gave it away. The end soon came, and they had to leave the neighbourhood and retrench. Would it not, think you, have been better for the wife to have dined with her children, and the husband to have had his dinner in the City?

It is surprising how many little sums of money are spent which are not really necessary ; and I therefore

advise you to furnish your wife with "Letts' House-keepers' Book," and, as an encouragement to her, do not fail occasionally to inspect it.

System I also recommend you to have enforced, and written rules hung up in your servants' hall or the kitchen, prescribing the duties for each day in the week. You will not, of course, fail in punctuality at meals, as on it depends, in a great measure, the comfort of yourself and your wife's good temper. I have known my dear mother worked up into an almost ungovernable fury, after having a nice dinner put on table to order, to find my father stand on the other side of the road chatting to a neighbour for half an hour afterwards. Keep every home appointment as punctually as you would a business one.

As to the management of your servants—by which, of course, are meant domestic servants—no doubt I could obtain a small annuity if I could only give many thousands the necessary advice to enable them effectually to accomplish that object. One constantly hears about the plague of servants—"There are no servants now-a-days—how do you manage, Mrs. Brown, with your servants? I turned all mine away again last night—servants now are good for nothing"—and many such-like remarks; and really, in some societies, the everlasting clamour there is about servants, and the statement that really soon there will be no servants, makes one wish most heartily there were none.

But this is all wrong, and proceeds on a totally unsound principle. Formerly our servants were little better than our slaves, and I remember the time when my own relations refused to take a servant who could

read and write. Although others were Christian-like enough to have them taught to read only, so that they might read the Bible, yet they were strictly forbidden to look at any other book ; and as to a novel, miscellany, or newspaper, it would have been high treason even to have cast a glance at them. During the last twenty years, however, society has totally changed, and the poorer classes, who never had, or could have had, without education, a chance of rising in the world, are now able to compete with their betters, and, to a great extent, in these emigrating, go-ahead times, feel themselves to be in a measure independent of them. What is the result of all this ? Simply that now every man, woman, or girl can, if they choose, take their services to the best market ; and have intelligence enough to know that, if they are not appreciated as they think they ought to be, it is only a wise course to take them to some other party where they will be.

I do not, for a moment, believe that servants are not so good now as they were twenty years ago ; but I know that if we treat them now as they were treated then, they will not put up with it. For my own part, although I must admit that servants sometimes dress absurdly and behave improperly, yet I have found that the real blame, as a rule, where servants do not stay with their mistresses, is to be found on the part of the latter, and not of the former. It is enough to make one's blood run cold to hear the way some mistresses treat their servants. They seem totally to forget they are human beings, and have like feelings with themselves. I have met with some women (I

can hardly call them ladies) who have treated their servants like dirt beneath their feet.

Rely upon it, this will not do in the present day; and if you wish for good servants, you will have to treat them kindly and considerately—to let their duties be clearly defined, and to attach them to you by your general conduct towards them, leading them to love rather than fear you. If you want practical cases to convince you that this is the true policy to be adopted, investigate the character of those ladies who retain their servants for a considerable time, and contrast it with those who are always changing.

SPECULATION AND OVERTRADING.

I HAVE just named to my beloved wife that I should sit up an hour later to try and write something on these subjects. I received, as a reply, "I hope it will be to the purpose, as no man is more capable, from actual experience, of doing so." It has been, for many years, a kind of fatality with me that I must be in a constant state of excitement, anxiety, and speculation. My mind is so constituted that no common, ordinary business could possibly content me. My inventive faculties are ever on the rack for something new, and the more mental activity and worry it occasions, the better it seems to suit me. Merely to sit down and write all day, or part of a day, as a copyist, would be very injurious to my health and spirits, as it proved to be some years since. To buy and sell simple articles, such as tea, sugar, or, indeed, almost any retail business, I could not possibly endure. To scheme, plan,

and contrive, is my peculiar forte ; tact I possess to a considerable extent ; and any employment of the mental power, where ingenuity is called for, although it may be only collaterally, is my happiness. I can write off, without a moment's hesitation, fifty letters on different subjects ; but ask me to *copy* one, and I am in despair. It is clear, therefore, I am no plodding man of business. *I cannot attend to details.* The mere admission on my part of the last four words is sufficient to account for any unsuccessful trading, and, when combined with a speculative turn of mind, and a desire always to attempt *more than I have the means safely to effect*, justifies the remark of one who loves me as only a clever, amiable, considerate woman can know how to love an indefatigable, although speculative husband. If, from mock modesty, I were to attempt to say I am deficient in business ability, I should belie my conscience and my character, as I am known as a first-class man of business, and make large sums of money by my legitimate avocation; and yet, until I determined to turn over a new leaf, and to write this book, and commit myself, although anonymously, to the world, I was ever making, and either knocking down, or, by my overtrading, putting myself into the hands of the lawyers, and thus losing all or more than I made by my untiring industry. Happily the thought came into my mind, "I will write a book to warn others," and enabled me to resolve, henceforth, to avoid any act in my future life which bears on its front Speculation or Overtrading. Do you not think it is time I came to this determination, however tempting the offer may be, when, for twelve years, others have reaped, and the law-

yers mainly, the fruits of nearly all my mental and bodily activity? As all the rest of the book is for the entire benefit of the public, they will not think it amiss that I give myself as well as them the above lesson. Now to the principles :—

I hold all speculation or trading, *over and beyond the actual power to make good the loss*, as a fraud on the public, and, in connection with the parties interested, an act of clear dishonesty. Strong language to start with after the above statements ; true, it is, but it is sound reason and common sense, and the only honest view which can be taken of the subject. Ye pledgers of bills of lading, almost before the ink on them is dry ; ye merchants, warehousemen, brokers, and others, who daily accommodate one another, I fear not your indignation, whilst I repeat that the man, whoever he may be, who puts his name on paper, or pledges himself to answer, in any way, for a larger amount than he has the actual means then and there to pay for, is a dishonest man. In a strictly moral sense he is as guilty of a fraud as the man who obtains goods under false pretences in a more open manner, and so palpably that the law can get at him. Truly, you may say, if this man's principle is once admitted there will be an end to a vast amount of trading, and many of our old respectable firms would, perhaps, be ruined, as well as the young ones. I know it, and your admission proves the truth of my statement ; and if you want further evidence, read it every day in your own circle, or in the daily papers. Suppose a stop put at once to *accommodations* of all sorts, and then what would be the result? Why, a very large number of the houses

now doing a good trade, as they call it, would instantly close. Would this be an evil really? Doubtless it would, for the time, cause much misery; but it would lead, as do the periodical seasons of panic, to a better state of things afterwards, and, like a violent thunder-storm, would clear the commercial atmosphere of the greater part of the poisonous elements it now contains. It is a fact, and a fearful one, that we are now not only going on at railway speed in our commercial matters, because we wish to keep pace with foreign competition; but we are travelling with high-pressure engines, and are competing ruinously against each other. Through the facilities afforded by loans on bills of lading, and accommodation by discount-houses, &c., we are in the position of the steam-boats on the Western waters, whose captains, urged by the excited passengers in a race against another boat, pile on, not only the legitimate firing, but pitch, tar, and other inflammable materials, until the boiler bursts, and there is one wide-spread scene of destruction.

What is the meaning of speculation in the funds, railway-shares, hops, tallow, corn, tea, sugar, spice, and a thousand other things where the articles were never even seen, or intended to be purchased, but simply the differences paid? How many men live only on these differences who never or hardly ever held a share or a hundredweight of the article in their own right, and as their own, in their lives! Is this honest, straightforward trading? Is this buying, and, as a consequence in all honest dealings, paying for the article with your own money, with a view to make a fair profit by it through its sale by you again?

I saw a man a few days since—a very common sight—in Whitecross-street Prison, who was going *through the court* to be relieved of his little differences on some tallow transactions, amounting to twenty thousand pounds. I was informed that, in all probability, he never had an ounce of tallow in his possession as his own ; and as, no doubt, the parties with whom he contracted knew the state of the facts, I can only say they richly deserve the loss they have sustained. I met him afterwards walking gaily with a friend in the Borough, having been easily freed from his liabilities. I believe it is a well-known fact that, if the whole of the so-called engagements entered into by speculators were ordered, say by a special decree, to be realised, we should require four times the amount of actual stock, produce, securities, &c., in any way available, to accomplish the result. Does it require one word more from me in condemnation of such a system ? Is it not rottenness itself, dishonest in the extreme, and one which, if a sensible man of business, you will never indulge in ? “ True,” you may say, “ but the speculations you refer to are not legitimate business speculations, and are not a fair criterion of what a man may do.” You are right so far ; but I will now say that all *speculation or trading* in which you venture your goods, or those entrusted to you, without a certainty on your part that, in the event of a total failure, you can make good the loss, is *absolutely wrong and unjustifiable*. If a merchant consigns his goods to a risky market, or, indeed, to any market, on any other foundation than this, he is doing a dishonest act. That this is done to the amount

of many hundreds of thousands, is unhappily too true.

But I go further than this, and say, if you buy goods *on credit*, and risk them on sale, and in the event of the buyer failing, *it is probable you will also*, that is no less a dishonest act than if you had actually obtained the goods in a more legally criminal manner by false pretences. I know many men will pity others who have trusted their goods and been deceived ; but, as a rule, such pity and commiseration, to a man of business who does his business properly, would not be required, and could only be justified in a case where the person has been the victim of a dark designer, or of a conspiracy, or of a person whom he was compelled to place confidence in, or who had it in his power to defraud him, such as a partner or manager.

That this is strictly correct will be evident, if you will only suppose, for a moment, that the most consistent thing in the world just now would not be to hold meetings throughout the kingdom and pass resolutions of condolence, and raise funds to make good the loss of a quarter of a million by the Union Bank, in consequence of the very improper conduct of the manager and directors in not having chosen to take the trouble, once in six years, to walk a hundred yards and make the extremely simple inquiry at the Bank of England, on the other side of the street, and opposite their own doors, either personally or by letter, "Is the balance of more than half a million we ought to have in your hands there, or have we been robbed by *one of our clerks* of more than half of it?"

I cannot forbear adding an able article from *The*

Times of Nov. 30th, in reference to the failure of Laurence, Mortimore & Co., for upwards of a million sterling, as an illustration of what overtrading can do.

My good fellow, do you want to make your fortune? Do you want to make it with so little loss of time and strength that you can enjoy it? Perhaps you will be content to enjoy it without having it, as the primitive Christians were told to enjoy the things of this world, "Having nothing, yet possessing all things!" Have you a soul above the ledger, and a dislike to office hours? We can feel for you. What is the good of being a drudge till sixty, spending your morning among clerks, sleeping after dinner, and spending the evening in the bosom of your family, or some other family, in order that at sixty you may have the reputation of wealth, and leave it to others, perhaps nobody you know, at seventy odd? If you are the man we take you for, here's how to do it. We will suppose that you have a good name, either mercantile or aristocratic. If your name be Smith—and there are more good men of that name than of any other—perhaps your parents had the forethought to give it a useful prefix—Thornton Smith, Whitmore Smith, Brabazon Smith, or Somerset Smith. But what is there in a name? If your own won't do, or has unpleasant associations, try another. No doubt you have a good, frank, ready manner, self-confiding and self-possessed, and able to hold not only your own, but, on an emergency—and what in your case may be much more important—what is not your own. Well, then, how shall we set about it? We advise you against the Stock-Exchange. They are a stern, unforgiving race, and they are apt to make an example of those who push on their fortunes without attending to their reserve. Trade is now the safer field for enterprise; not the old huckstering process of buying in gross and selling in detail; or importing, exporting, or manufacturing. The same lot of articles, the larger the better, may now be sold fifty times fifty ways. Indeed, we have known an experienced merchant try to reckon up the number of sales, or equivalent transactions, that might be done upon one cargo of sugar or cotton. The goods, of course, can only be making one journey

at once, and can only be in one custody at once; so most of the transactions must be of a highly mental character. The article itself may speedily disappear from the scene; it may never arrive; it may not even have been sent; it need not, indeed, ever have had any existence at all. So long as a name suggests credit, that is basis enough for this visionary traffic. It is credit that wings the flight of these volatile essences. It gives to airy nothings a speedy circulation and a name. That name is sometimes tallow, sometimes cotton, sometimes sugar, sometimes copper, as Queen Mab may tickle the ears of the commercial aspirant. Just now, it would seem, there is nothing like leather. Poor Dido, of epic fame—though Virgil does not record it—was evidently a speculator in this article. She cut a single bull's hide into so many shreds that she was able to surround with them a site large enough for a small State. The proceedings in the Court of Bankruptcy this week attest that the feat can be surpassed in this far more ingenious and more adventurous age.

Mr. Laurence, of the firm of Laurence, Mortimore, and Co., London, and also of the firm of the same names at Liverpool, moved in this high walk of trade, and reigned as an emperor with his lieutenants and viceroys. With eleven provincial firms he had mysterious dealings, the magnitude of which is summed up in the fact that the liabilities of the two firms or firm—for they are practically one—exceed a million, of which the greater part is due from the eleven tributary firms. We believe we shall not be far from the truth when we say that whenever any of these firms, in town or in country, bought leather, or promised to buy leather, or had the option of buying leather, or intended to buy leather, or wished to buy leather, or thought of buying leather, or having no opportunity, intention, option, or wish to buy more leather, was in want of money, they drew acceptances or bills one upon another, till out of nothing they dealt with sums that make one's mouth water. As for leather, it hardly appears, except with some very small figure, much in the proportion of Falstaff's ha'porth of bread to his forty shillings' worth of sack. The result of an account of thirteen years with Mr. Munday, at Paris, was a debt of 54,000*l.* In the year 1857 the London firm had goods from Mr. Munday to the amount of 63*l.*; in the year 1859 to the amount of 65*l.*; while

in the three successive years they advanced to meet acceptances, or for simple accommodation, 36,900*l.*, 63,842*l.*, and 90,000*l.*

Mr. Gibson was a tanner at Arbroath, who, from a very natural desire to be higher up in this great stream of wealth, took a tan-yard at Godalming from the London firm in 1854, and paid for it in acceptances, his capital on starting being 4,800*l.* From this humble beginning, in the course of six short years, and apparently with a very moderate business—for the sales of leather on his account did not exceed 16,000*l.*—this country-town tanner owed the London firm 96,500*l.* on bills and 14,000*l.* on the cash-balance. Mr. Herbert Smith was a tanner of Bermondsey, and at the time of the bankruptcy owed, nominally, 22,371*l.* In this case the visionary character of the business is diversified by some peculiar features, which invest it with even more romance than usually attaches to the leather-trade. Mr. H. Smith had an aged father, whom he expected to leave him 20,000*l.*; he had bought for 500*l.* a share in a Spanish mine, which had suddenly developed, and which stands in the accounts between him and the London firm at the estimated value of 16,000*l.* Notwithstanding these expectations and developments, his debts rose to 72,000*l.*, and he appears to have been inconvenienced by the fact oozing out through the clerks. His relations with Mr. Laurence and his partners were of a very pleasant and easy character, and we may any of us be only too happy to meet with so obliging a creditor; for, on a hint from Mr. Laurence, Mr. Thomas, the chief clerk, wiped off 50,000*l.* of that debt, by transferring it to a firm invented for the occasion. Another debtor, Mr. Rider, originally a clerk in the "house," set up in Paris, in the year 1856, with a capital of 1,000*l.*, supplied to him by the London firm. The result at the date of the bankruptcy, four years after, was more than 10,000*l.* due upon Mr. Rider's bills. To the eventual insolvency of these gentlemen and their other provincial or continental allies, and the difficulty which Messrs. Laurence found in supplying cash to debtors who supplied nothing in return, the bankruptcy was at last "due;" and our more simple readers will think it was due, in one sense, long before.

To the uninitiated the great wonder always is, why does the game stop at all? Why has it any limits? Why did not the

same process enable these gentlemen to manufacture any fabulous amount of credit, convert it into hard cash, secure a timely retreat, and laugh at the world for the rest of their days! The way in which they do business, and in which the commercial world allows business to be done, admits of any figures whatever, and it seems almost gratuitous modesty to be content with a million. Mr. Laurence considers himself insulted when he is asked a question about the accounts :—" Ask Mr. Thomas ; he will tell you all about them." All that he had to do was to regulate the number of bills from the eleven tributary firms to be discounted in one week, the distribution of the bills among different bankers, the just proportion of the firm's debts among those bankers, and the appearances which it was proper the country debtors should make on the books of the firm. Mr. Laurence's strong point was the " financial skill " with which he could keep the ball rolling, or raise the wind, or weather the storm, as the occasion might arise. With the most paternal instinct he was always ready to stretch the ægis of the great London firm over the trembling provincials. Advances in money only went as far as the figure did ; so he made them tell for many times their intrinsic worth by paying them to the credit of the provincial firm under false names. The country bankers saw that a Mr. Henderson was paying large sums to the traders for whom they were beginning to quake, and they thought it all right. Who would not be a tanner, or of any other trade, when by such simple devices it is possible to conjure up a credit of millions and set up a dozen millionaires ? We only marvel that on so smooth a ground the ball does not still roll. Why are not all these gentlemen still drawing on one another, and why does not the Maelstrom still swallow and regorge its endless wealth ? Mr. Laurence, indeed, is of opinion that the process has not had fair play in his case. But for some unfortunate circumstances he and all the affiliated firms would still be paying twenty shillings in the pound ; and, of course, on a still larger scale. This is the point to which the attention of the inquiring and speculative mind will naturally direct itself. Why does not the great firm of Messrs. Streatfield and Co. still send out its emissaries, establish Continental agencies, and affiliate provincial tan-yards ? Why does it not

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still receive and transmit papers full of figures, representing money and leather in various quantities? Mr. Laurence, who is evidently an ill-used and disappointed man, with a high sense of personal dignity and a good quarrel with the world, owes the world an answer on this point. Having done so much, why has he not done more?

SURETYSHIP.

SOLOMON says, "He that is surety for a stranger shall smart for it," or "be sore broken for it." "My son, if thou be surety for thy friend, if thou hast stricken thy hand with a stranger, thou art snared with the words of thy mouth." Do not think me hard or unkind when I say, you must not become responsible, in any way, to pay any sum of money you have not got conveniently to spare, and by you too—actually in your possession. That this is the only correct view of the matter is evident from the fact of your becoming surety at all, as you are held to pay what is agreed as soon as default is made, and the only way you can or ought to calculate is that default will be made. Only a few days since I had a painful duty to perform towards a tradesman, who had become responsible for a rate-collector, and was entirely ruined in consequence. In this case it was an act of dishonesty to have become liable at all, as he must have known he could not pay; and the parish have consequently lost the money. If persons, associating for an agreed sum, choose to take an average of risks, that is honest, and such security is readily accepted in the present day, and is much safer than a personal one; but no man ought

to become responsible for another unless he has made up his mind that he can pay, and is willing to pay. Many gross and wicked acts are perpetrated in this way by persons making a profit out of being surety for others, and then going into the court to get clear. Steadily and firmly resist the temptation, and you will never feel the pang so many do through acting contrary to Solomon's advice and their own common sense.

Every day furnishes such abundant proof of the misery entailed by breach of this command, and every family almost has some member as a victim, that illustration becomes almost unnecessary. I will, however, give a striking instance, which has occurred in my own business.

A person named in one of my illustrations induced three hard-working little tradesmen to become sureties for him for a large amount, to enable him to take a farm, wherein to place, as it appeared afterwards, his fancy third wife, the second being still living. I know that one became surety because he was to have the right of shooting gratis—the second, partly for this reason, and partly with a view of getting his son into the farm eventually—the third, partly to repay himself for a bill due, and to get some liabilities with the man cleared off. The result was what it always will be where defiance of the *Almighty's* commands is exhibited—the utter ruin of the farmer, the same of the first and second security, and the death, supposed to be the result of anxiety, of the third, besides a fearful loss to many other persons indirectly concerned.

INVESTING YOUR PROFITS.

WHAT a pleasant proceeding !—one, unfortunately, it has not often been my lot to have to attend to. Surplus profits, and something which it is not necessary for you personally to see to, seem to sound alike. Too often they are, although valued, *too little cared for*: not that they are unappreciated ; but the owners not being able to use them in their business, it becomes their duty or anxiety to get them safely invested, and, generally, as a short cut, they go to their lawyer and say, “I have such a sum I want to invest ; find me some desirable security, or advise me what to do with it.” Of course, millions are safely invested through such channels, and, although lawyers do sometimes take the liberty to use your money themselves, it generally turns out you get a safe security, as the surveyor is a totally disinterested party, and is not likely to advise an estate as ample security when it is not so. Unfortunately, however, our statement, as to the real agent, is not so satisfactory, as it sometimes happens that lawyers *are not honest*, and when this does occur the consequences are frightful to the parties who place confidence in them. The notorious cases of Hughes, late of Gresham-street, only recently convicted at the Old Bailey of fraud of this class to an enormous extent, and of Hall, Brothers, who kept an establishment fit for princes, are fresh in our minds. In the latter case one of the parties actually took the wife of his late friend in a cab, and sold her stock out of the Bank of England, *as an act of friendship*, to invest it at five per cent. on mortgage (but taking the

money himself) under pretence of getting a larger interest, and protesting he would do anything to assist the widow of his late friend, poor B. But numerous cases occur where frauds are committed and hushed up, a compromise being effected. I could name many such cases, one in a next-door neighbour to me, who took a client's deeds to his banker, stating they were his own, and borrowed a large sum on them, without any investigation. The Sadleir frauds, Strachan and Paul, and many others, require no comment. You will ask me, what shall I do to prevent any risk? I will answer you, as this book has been written solely to prevent the evils of the present day by exposing them, and then suggesting antidotes. Whatever money you have to invest will be best invested for profit, as a rule, in the purchase of property, or in lending on mortgage of property. You will, as a matter of precaution, in *either case*, see the property yourself, and take care that it is seen by a surveyor who is also an auctioneer on your behalf, and that you have his report, as to the value, in writing. The reason why I name an auctioneer who is also a surveyor is obvious, as he has a knowledge of the original cost, and also that which the surveyor or architect alone cannot have, viz., the actual market value of the property. If you decide to lend the money or purchase the estate, keep the money at your *banker's* until the appointment is made to settle the matter, and then attend and see the deeds executed; but if the transaction is not settled, keep the money in your own possession; hand the money over *yourself*, and receive the deeds yourself in exchange for it. If, from any circumstances,

as the registration or stamping of the deeds, it is impossible for you to take them away with you, be careful to have the day named when you can have them complete, and do not rest content until they are in your own strong-box. If you have not got one, buy a tin one; have your name put on it, and take it forthwith to your banker's. Prevention is better than cure, and you have no more right to put your deeds into a lawyer's hands, to take care of, although I know it is generally done, than you have to leave your cash-box open to all comers in your absence, to say nothing of the frightful loss which must follow, if there be a fire on the premises, and your deeds are only in a mere tin box. If my learned friends, the lawyers, think me too hard on them, I have only to say, I lay it down as a rule that my reader is to carry on his business without the *chance of risk*. I know that the exception, as to honesty, proves the rule, that most lawyers are, as far as *legal honesty* is concerned, honest; but it is my duty to prevent the serious evils arising from the exceptions, as much as it is the duty of our Criminal Courts to punish them when detected. As to Building Societies, Land and Limited Liability Companies, have nothing to do with them.

The next best security to the above is Government security, such as Consols, or Exchequer-bills, or India stock, or Bank of England, and next to these, railway debentures, and, in some well-managed railways, railway stock. As a general rule, however, I advise that you only take first-class debentures or preference shares, and that in *every* case you do not part with your money until you get actual possession of your stock. The

frauds in this department are very extensive. Only a few months since, I had to sell off the last worldly goods of a man who had been a butler twenty-seven years, and his wife a cook in the same family, who had been advised by a friend of his late master's to sell their joint stock of nearly 2000*l.* out of the funds, to enable it to be invested in annuities on their lives, *so as to give them a larger income.* The wretch sent some paper purporting to be a certificate, and on their applying for the dividend a few months after, it was found the stock-broker had left the country, and no annuity had been purchased. The woman died of a broken heart, and the poor old man is almost a beggar.

COURT OF BANKRUPTCY,

BASINGHALL-STREET, MARCH 21.

(Before Mr. Commissioner Goulburn.)

IN RE GEORGE MONTAGU EVANS.

The bankrupt was a solicitor of Farnham. His accounts an the leading features of the case have already appeared in *The Times*. This was an adjourned certificate meeting.

Mr. Kays, for the assignees, did not oppose; Mr. Lawrence opposed for several creditors.

Mr. Lawrence said, at the original certificate meeting the Court had ordered an adjournment, with directions that the bankrupt should be duly served with notice of the present sitting, and be thus left without any ground of excuse for absence. Due notice had been given. The bankrupt was, however, again absent. It would appear from a letter of his solicitor (produced), that the bankrupt, knowing the animus of several creditors, was purposely absent.

Mr. Bagley said he was instructed by a solicitor, who had received his instructions from the bankrupt's wife, to appear for the bankrupt.

The Court having overruled an objection to Mr. Bagley's appearance under such circumstances,

Mr. Lawrence said, he appeared for Mrs. Caroline Payne, a creditor for 16,000*l.*, and five other creditors, to complain of the bankrupt having committed as gross a series of frauds as were ever brought before this Court. The bankrupt, without having any capital of his own, had speculated in building to the extent of upwards of 20,000*l.* by means of using the moneys of his clients and obtaining for it only very doubtful security. In thus acting the bankrupt had been guilty of gross breaches of trust. Having absconded in March, 1858, his affairs were left in a most unsatisfactory position. His debts, practically unsecured, now exceeded 33,000*l.*, the assets being 1,500*l.*, nine Chancery suits, seven of which were still undecided, and leaving, of course, after payment of costs, not a shilling for the creditors. Mr. Lawrence proceeded to state the circumstances under which the bankrupt had exercised influence over Mrs. Payne, and got himself appointed trustee over property of the value of about 20,000*l.*, and then sold out Consols and left the estate damaged to about that amount. A suit before the Master of the Rolls, in which the bankrupt was decreed to pay a sum of 18,000*l.*, was decisive as to this breach of trust having been committed. Altogether, Mrs. Payne had been a sufferer to the extent of 22,000*l.* by the bankrupt's grave misconduct, and not the least of her wrongs was the obligation to appear in no less than nine or ten Chancery suits. There had been the grossest possible malversation of trusts on the part of the bankrupt in other cases. He might cite the case of Mr. Pither. The bankrupt had acknowledged that there was no such person as Mr. Truman, to whom he had purported to advance 300*l.* on mortgage security for Mr. Pither. In fact, he admitted that he (the bankrupt) was himself Mr. Truman. The bankrupt had similarly wronged Mrs. Marriott of 150*l.*, by an alleged advance to Truman. Next he had defrauded Mr. Varnell of 275*l.*; next Mr. Boxell, a labouring man, who had sold a small bit of land, all that he possessed in the world—it produced 198*l.* The bankrupt got possession of this money, professed to advance it on security, and Boxell was now left without a shilling in the world. Another labouring man,

Robert Lawrence, had been similarly cheated out of 240*l*. In another transaction the bankrupt had actually cut the seal off a deed, the effect of which act was to commit a gross fraud to the amount of 700*l*. by making himself the first instead of the second mortgagee. Mr. Lawrence concluded by asking the Court, both for the sake of the creditors and the public, to refuse the certificate.

Thomas Boxell, examined, said he was a labouring man. Had a little property, which had been in his family for a century. Sold the property for 190*l*., and left the amount with Mr. Evans, to place it out on mortgage. Evans said he would make good use of it. (A laugh.) Had not received any interest. Could not get at him. The 190*l*. was all that he had in the world. Was now dependent on his daily labour. Evans said he would lay the amount out on property.

The Commissioner.—Mind that the expenses of this witness are paid.

Robert Lawrence, examined, said he was a jobbing carpenter. The bankrupt was his solicitor. Witness had a little property left him by his father, some five or six acres. Sold and received 240*l*. Entrusted the amount to Evans to lay it out on mortgage. Was to receive 5 per cent. Subsequently Evans said he had laid out the money. Witness asked him where. Evans said he was busy; he would tell him another day. Had lost the 240*l*. It was nearly all that he possessed.

Robert Varndell, one of the executors of Mr. Egan, deposed to Evans having retained 490*l*. to pay probate duties. The duties had not been paid, and a robbery had been perpetrated.

Mr. Pither, hackney-carriage proprietor, of Paddington, deposed to the bankrupt having been entrusted with money to let out, and which he said had been lent out to a Mr. Truman. The bankrupt had since admitted that there was no such person as Truman, and that he (the bankrupt) had appropriated the money.

His Honour said the question arose whether the case was not one for the Crown Court. It could not, however, be finished to-day, and there would be an adjournment to Friday at 12 o'clock.—Adjournment accordingly.

This is only one of the many instances which have occurred of late, and, in my own experience, I could name a dozen others, one of whom actually took some thousands of his clients' money to make a settlement on his wife, and, shortly after, became bankrupt. As a rule, do not attempt to purchase property, unless you have all the money to pay for it. The men who make money out of property are those who get what it brings in clear ; whereas others, who seem to possess much more, have all their profits eaten up in interest and mortgage expenses. A person now occupying a very prominent position in the City of London affords a striking illustration of the latter class.

DEBTS DUE, AND MODE OF RECOVERY.

THAT such will arise in your course of trading is certain ; and although, after a careful perusal of this book, I hope you will so act as to avoid becoming a debtor yourself, yet if your transactions are not all for ready money—and even then in some cases you will have debtors—your first impulse, on finding a man put you off from time to time, will be to say, “ Oh, I will put this matter into my solicitor's hands ;” and many men really talk about their lawyers as though they were beings of some superior order to themselves, and capable of doing something very mysterious and unaccountable for them, which by no possibility could be done by themselves. Indeed many men go to a lawyer's office to put not only their own money in jeopardy, but that of their customers, with much the same feeling as the poor ignorant Roman Catholic goes to his priest to

confess and obtain absolution. They feel they ought to go to the right party to do the business; and having once left the case there, they are content to say, on any application being made to them for forbearance, "The matter is in my lawyer's hands, you must go to him, I cannot interfere." As a wise man of business I want you to act on a much more sensible plan than this.

First,—Let every case of every debtor you have stand *on its own merits*, and before you take any steps in the matter, thoroughly make up your own mind what they are, and how you will act. I will suppose any case in which the debtor does not owe you more than fifty pounds, that the money is overdue, and you have reason to suppose you ought not to lose any time in seeking its recovery. I say then, unhesitatingly, and after many years' experience, it is *your* duty to go yourself to the County Court, and, by so doing, you will obtain a much safer and more speedy judgment at one-fifth of the cost you could do, and, on the average, in one-third of the time it would have taken your lawyer to do it in his court. Under the most favourable circumstances, you would have to pay his costs of what they call costs between attorney and client, which he will charge you beyond what he recovers from the debtor; or, in plain English, after he has got out of your customer the utmost that the law allows him to get for his trouble, by the very liberal state of our jurisprudence he will be enabled also to *charge you* for the selfsame business all he can get out of you.

No wonder these gentlemen declaim against the greatest improvement of modern days, and talk of your cheap law of the County Courts with such a sneer, when

they are allowed only a fixed and very moderate charge for what they do in connection with them. In all cases above twenty pounds you can have immediate judgment and enforce it as you please, but under that sum the judge has discretion as to giving the debtor time for payment, if there are grounds for so doing.

Perhaps you will say you do not understand enough of law to attend, even to a summons in the County Court. Very well, then let your lawyer do it, and you cannot go far wrong, or be involved very deep in the matter ; but the aim and object of our County Courts is or ought to be to enable a man himself and *by himself* to recover that which is owing to him by another, without the intervention of a third party, and a very little attention will enable you to do this.

If your debt is above fifty pounds, and there is any risk of a dispute about the amount, get a short-dated bill for it. This will effectually settle the amount of the debt ; your debtor will generally be glad to give it for the sake of getting the extra time ; and by the very excellent law, lately passed, curtailing the rapacity of unprincipled lawyers of the present age, if it be dishonoured, your lawyer, or, if you like, yourself, at the expense of a few shillings, can, in twelve days, get a judgment against him without let or hindrance. The Act abolishing defences on bills, except in very special cases, where the judge, on an affidavit, sees a real ground of defence, has already greatly improved our commercial system, and considerably diminished the unlawful gains of the lawyers, and, as a consequence, benefitted both debtor and creditor.

If you have conducted your business properly, and

your debtor refuses to come to *any arrangement*, you will of course, having his orders or receipts, and sufficient proof by you of the debt, be enabled to substantiate your claim in a court of law. In such a case, lose no time ; go to your lawyer, and let him at once not only send the man a writ, but also a notice and summons in bankruptcy. This will have the effect of compelling him at once to give you security for your debt and costs if he intends to defend the action, and thus enable you to work on a safe foundation ; or, on his failing to do so, put him at your mercy whether you will not at once have his affairs duly attended to. Do not, for a moment, suppose I recommend, in the present fearful state of our bankruptcy laws, that you should go straight on to the last alternative, and thus lose your chance of getting the money ; but, in nine cases out of ten, it will enable you to get the cash by a little management without the last resort of absolute bankruptcy ; *and unless you intend*, in the event of non-payment, to make him a bankrupt, carefully, even at the last moment, avoid making him commit an act of bankruptcy : under the head of LAW you will see why.

If there is a dispute about your claim, and a reference is proposed, take the advice of one who has had these very unbusiness-like, although, in the eyes of our judges, who seem to be much attached to them in the present day, easy modes of getting rid of their own legitimate business—“*do not have one.*” Submit to any loss or compromise, rather than have a reference about the matter. In my treatment of the next subject you will see why.

Where your debtor is in difficulty, it is your duty,

as a man, to meet him fairly. You know I have already said, as a rule, no man ought to be in a position in which he cannot pay in full, but there are many exceptions to this rule.

If a man has called a meeting of his creditors, and laid all the facts of the case fairly before them, and offers to pay all that his means will admit of (and, to the credit of debtors be it spoken, they generally offer to pay more than they possibly can hope to do), it is your duty to accept what is offered; and, although the law does not compel you to come in with the others who do agree, except under very special circumstances, such as an absolute assignment of all the debtor's property, yet you are not acting honestly to him or his creditors generally, if you seek to recover more than you know he has the means of paying; and, although you may be early in your movement, and, by severe measures, may obtain your full amount, rely on it, under such circumstances, no blessing will rest on that money.

Whatever a sceptical world may say, and although a man may grow old and rich by his grinding, iniquitous, and hard-bargaining transactions, I say it as the result of great observation, *that God's curse, sooner or later, rests on any money obtained in any other than a truly honest and straightforward manner.*

LOSSES, AND DUTY TO CREDITORS.

HOWEVER harshly I may appear to have spoken on the subject of Speculation and Overtrading, I am pre-

pared to treat you more tenderly on this subject, as, notwithstanding all that our own acuteness and care, joined with that of our friends and the Trade Protection Societies, can do for us, *losses must and will occur in the course of business*. No man, not even the one who trades exclusively for ready money, can be equal to, and at all times prepared for, the tricks and villanies of the present day, to say nothing of the uncertainties of life and a man's standing. Many persons can only do a trade by giving credit, and others only by a large, and to a great extent uncertain, credit. For instance, a gentleman orders you to furnish a house ; he gives you respectable references ; you execute his order, and although a man of first-class position, he is utterly ruined, through the mutiny in India, before your order is completed. This is fairly an unavoidable loss. You send your man, known to be steady, with a horse and van to London ; he meets a friend, and, either through the excitement of drink or carelessness, runs over some person, and you are involved in a lawsuit, and have heavy damages to pay. You entrust your clerk to carry out your business, and by his stupidity he involves you in a contract at a serious loss ; and a thousand other similar matters will arise, such as a man ordering goods and promising to pay for them on delivery, and then absconding or making an excuse, the result of which is he never does pay. Your own serious illness or that of your family, or the loss occasioned by a flood, fire, or stoppage of a bank, or even the traffic in your street, may involve the most conscientious man in difficulties before he has time to look round ; and last, but worst of all, you may be involved in a *lawsuit* about the

most trivial matter, which will so completely swallow up all your means, that you are left a beggar. Under these, or a thousand other circumstances, you become *involved in debt*.

Ah, that fearful word ! it has the same number of letters as that other dreadful word relating to a future and unhappy state of existence, and in this world means the same thing, for debt and misery are synonymous. He who is in debt, and knows he has not the means of payment, if he have any integrity in him, is and must be a miserable man. The very name itself conveys the notion of an absence of all that is manly and independent. Oh, the wretchedness, the world of woe and anguish to the upright mind, the conviction of really being in debt conveys, when the ability to pay is out of the question ! But is it really the case that the last loss has rendered it hopeless for you, without some extraordinary favourable change or turn, as it is termed in business, to think of being able to pay ? *Yes, it is.* Well, if so, look the facts broadly and fairly in the face, make out your balance-sheet, let the assets be estimated *low*, and the debts at their full amount—for, strange to say, the latter are always more than we bargained for. If you find that you cannot pay in full, and have *no certain* hope that you can by the time it is necessary to do so, *at once* call together those to whom you are indebted, and let them know it. In the Old Testament times debtors were treated very differently to what they are now. Debtors became the *slaves* of their creditors, and even their wives and children, in the event of their death or inability to pay by their own value. See 2 Kings chap. iv., verse 1 ;

Matthew xviii., v. 25. "But forasmuch as he had not to pay, his lord commanded him to be sold, and his wife and children, and all that he had, and payment to be made." You are not bound by such severe laws as these, but you are bound by all that is honest and just, at once to put what you have in their hands, *as it really belongs to them*, although by the laws of our land your liberty is unassailable if you do so. And I say it is your duty to do this, in common honesty, the moment you discover you are not a free man, to avoid the fearful loss to your creditors which must follow if you wait till they take legal measures to recover their money, and thus waste their estate. And I say more, if every man were to do this, not only would our lawyers be diminished to one-third of their number, but those who were left would become useful members of the community, and that only. I could tell you of many ways in which you might defer debts due by you, but as all these are simply inventions leading to ultimate and total ruin, I will only say, never resort to a lawyer to endeavour to defer the payment of a debt, unless you have some certain means of payment in view, but go at once manfully to the creditor, and make the best terms you can with him yourself. If your affairs are such that you cannot pay the full amount of your debts by the time they mature, employ a respectable solicitor or accountant to call together all the parties interested, and if you honestly lay all the facts before them, you will have no cause to regret it. More than half the bankruptcies and insolvencies are caused through debtors not having candidly met their creditors, and by having

put them off at a ruinous expense, and paid those who pressed them most, until at last they could pay no longer. Bankruptcy and insolvency are both, with honest creditors and debtors, *unnecessary and uncalled-for*; they are only a means to extricate men from the evils of the law, when all other means fail, and should only be resorted to in the utmost extremity, as they swallow up necessarily the greater portion of what little is left for the creditors. This statement needs no comment.

DIFFICULTIES.

IN the last chapter facts are stated so broadly, I fear the man who has fallen into difficulties, and really has the means of payment if he could only be allowed time to turn round, will be discouraged. It is far from my wish to produce such a result, and if you are downcast, do not despair; thousands have surmounted similar difficulties. You may have enough to break your heart, but look beyond that dark cloud; it bears on its edges even now a silver line, and by perseverance shall totally pass away. Be not afraid; only persist *in the right course*, and the present evils will soon be removed. Difficulties in business are of so many classes, it is quite impossible to prescribe any except general remedies, and to lay down principles of conduct applicable to all. I will first take the most common difficulty—that of want of means to meet your engagements. Owing to some disappointment or loss your credit is at stake, and if the bill due, not to-morrow, but a week hence,—for I hold it

to be the height of folly to leave the provision for a bill or prompt unprovided for until a few hours before it falls due (or matures),—is not met, you are in effect ruined. The simplest and best course to adopt, if you cannot depend on friends for assistance, is to go frankly, with an open countenance and the proofs in your hand, and explain the matter to your creditor. In ninety-nine cases out of a hundred, if you are what you ought to be, he will gladly assist you on such an emergency. Do not, however, let it occur again with the same party, or you will entirely lose your standing as a man of business. A man will readily do once for another, on a proper explanation, what on no terms whatever he would a second time.

You may be the holder of a large stock and unable to realise, and yet have to meet your engagements. If you cannot get a friend to help you, or your creditor to wait, do not hesitate a moment; but let the first loss, consistent with leaving you means to pay in full afterwards, be the only one, and at once sell, even at a *sacrifice*, to maintain your position, or pledge your goods at a pawnbroker's, down to your watches and trinkets if necessary, rather than give up your commercial good name, which is everything to you as a man of business. And let me here say, that I think it is more respectable and praiseworthy for a man, if he wants cash, to go and borrow it from a pawnbroker on his own property, than it is to trouble his friends for it. Our notions on this subject are very absurd and unjust, as, although our brokers, or merchants, or landowners, do not think it beneath

them to borrow thousands of their bankers and others on their scrip, bonds, bills of lading, and deeds, yet they look with perfect horror on the man who goes to a common pawnbroker to raise a few pounds.

If, however, your difficulties be such that there is no hope of your meeting your numerous engagements in time, or of getting all the parties to renew or hold over, then your course is a very simple one—to call them together, and lay the state of the facts before them.

I have a friend who adopted this plan in consequence of a sudden loss through the stoppage of the British Bank ; and, on showing a considerable surplus if time were given him to pay, the creditors universally consented to allow him to keep the whole of his property, and gave him two years for payment, and he has since paid them the full amount and interest also at the rate of five per cent. In consequence of some heavy losses, and in one case a fraud of nearly 3,000*l.* on him, he has been obliged again to suspend ; but his creditors unanimously, and without the slightest hesitation, consented to the terms he proposed, thus proving the advantage of an open and straightforward line of conduct under all circumstances.

It is, however, surprising how very easily some men, as soon as they find themselves in the slightest embarrassment, give up all for lost ; and either go and make themselves bankrupt, or allow others to do it for them, where, *by a little management*, any necessity for such a step would be entirely obviated. As well might our hop-growers this year, because the crop has failed, have all the plants rooted up, or a farmer, be-

cause his wheat is blighted, give up his business, as a man of ordinary intelligence refuse to face his difficulties. Some men are like the weight to a float, as long as they are held up by all things prospering, but the instant the reverse comes, they sink to the bottom and rise no more; whilst others are like a cork, knocked under the surface by some violent blow, but only to rise a moment after as buoyant as ever.

LAW AND LAWYERS.

IN a recent article on the Commercial Treaty with France, in that able journal *The Times*, which so fairly and fully represents the actual wants and wishes of the community, without condescending to stoop to the prejudices of a party, occurs the following sentence:—“Whilst we have been grinding on in our old and intricate method of legislation, France has invented the most simple and intelligible code by which justice has ever been administered.” A statement, alas! too profoundly true, too often for the comfort, welfare, and indeed prosperity of our nation, again and again confirmed.

To say that the state of our law, particularly that relating to civil matters, is merely imperfect, would be an insult to our common sense; but to say it is rotten to the very core, and that almost every department of it and every party connected with it forms a particle of an enormous ulcer which is, in the present day, eating away the very vitals of our commercial system, is *only* to say the truth. Without hesitation I affirm, and am ready to prove, that the evils resulting from the present

system and administration of our civil law are the ban of society, and, by their peculiar action having become so interwoven with it, they in a great measure suck up its very life-blood.

Indeed, the very first principles of all true law are so completely left out of the question, that we have really scarcely any fundamental principles to rely on, and law in the present day seems to consist of precedents and cases entirely, *instead of first principles*. When our great Redeemer said, "He that would sue thee for thy coat, let him have thy cloak likewise," He merely intended His disciples to understand that, rather than have any dispute with a man who was unjust, they had better suffer wrong; but, in the present day, our law system has actually converted a liberal Christian simile into a positive and stern necessity, and he who, now-a-days, wishes to have any peace of mind or comfort, finds it the safest and only sure path to pursue, when the law is once fairly set in motion against him for getting his coat, at once to let it have it and his cloak also if demanded, as he full well knows that, in the end, he will have to surrender his body into the bargain.

A liberal Christian maxim has thus been converted into a practical and philosophical necessity.

It has been well observed, by one of our old divines, that "man's extremity is God's opportunity;" but the law, as it now stands, substitutes its own for our Maker's, and most fully illustrates the truth of the amended phrase. It is a remarkable fact that its administrators nearly always succeed in not only realising the very best living to be had in any given locality, but if you go into a remote country village and

ask whose the great house is, you will invariably be answered, "That house, sir, is where Lawyer Sharp lives." If a man has any connection at all, this result must invariably follow, as his are all *certain gains* and no real risks, while all his fellow-men have to take their chance whether they win or lose. Could we only get a decree passed for one twelvemonth, making the *lawyers themselves liable* for all the cases they lose, and only allowing them to receive *the benefit* of those they gain, I will venture to say we should not have one-twentieth of the law we now experience. In Boswell's account of Johnson's tour in the Hebrides, he describes the great man's disgust at a certain host who was entertaining them, by saying, "Sir, all his conversation is of his cattle and horses, and is horsey;" and I shudder at the remembrance of the words I have so often and so fatally heard—our costs, my costs, the costs on the other side; those costs, your costs. Oh! that wretched word! If it were possible, as our school-histories tell us, that the loss of Calais was written on Bloody Mary's heart (although, as a child, I must say I thought it a funny place for writing), I am sure that word will be found written on mine, and many thousands more in this country, as long as our laws encourage the painful oppressions which are now permitted to be practised.

I remember the Rev. J. Sherman, in an address, during the Irish famine, on the union of Christians, illustrating his argument by an anecdote of a recent flood, which covered a certain district except one elevated spot, and to that spot congregated all the various animals from the whole of the surrounding country; and whilst it lasted, although of diverse na-

tures, a common trouble had the effect of preventing the indulgence of their natural instincts. Now I consider, in relation to the rest of society, that lawyers occupy this elevation or vantage-ground. Whatever flood of trouble may fall upon the commercial world, they are above the reach of its influence, and in general, the greater the commercial distress, the more business they get. Unfortunately for us, although their Emerald Isle is the one we naturally fly to, the result too often proves that our visit has turned out *solely for their benefit*, and we should have done better to have buffeted with the waves of our troubles themselves, or have floated on our own roughly-constructed raft of expedients, than by a temporary putting off of trouble to find ourselves deceived as to any real security in the end. I may be called severe and extravagant in my statements, and from those professional men whom I have already stated my views to, I have received the reply—"What you say it is too true you have experienced; we know that, but you are quite an *exception to the rule*." To one of the superior class, with whom a similar conversation took place, I said, "You personally are not liable for these things, but if the present state of our laws will allow such men as Mr. B. to commit the grossly moral fraud he has done, under the name and sanction of law, during the last few weeks, and without the least possible benefit to any one but himself, *for the sake of costs*, I say, unhesitatingly, that the man who has in any way to do with lawyers, except in the most simple cases, where there is no chance of entanglement, *must be a victim*. I will forgive all the past, if the lawyers can only

satisfactorily account for the cases herein, and explain how *a system capable of being the means of their perpetration* is in itself good and beneficial to the community.

It has been said it is impossible for a lawyer to be a strictly honest man. Have you ever considered whether this is true, and why? if not, look briefly at what I believe to be the reasons. The first and principal one is, that you have to entrust him to advise you on a matter about which he is supposed to be fully acquainted, and the intricacies or reasons and details of which you cannot, or do not, or will not understand: to my mind, to say the least, a most undesirable situation to be placed in, and one which puts him in a position no man *ought* to occupy towards another. Hence, at once follows his superiority over *you* in every sense.

Secondly,—The impossibility of fixing him to any given sum or arrangement, and, except under very extraordinary circumstances, *with any liability*, whatever may be the result of his conduct of your affairs.

Thirdly (the most important of all),—That your real interests and his are antagonistic. Really honest advice to you must result in his losing what he would otherwise gain,—a very fearful position for any man to be placed in.

Lastly,—The advantage given by you in letting your feelings get the better of your judgment, and thus throwing away the only check you would otherwise have.

I have no dictionary or other work to refer to as a guide to enable me to form an opinion on what is usually understood as "law," and I can give simply my own opinion of it, and what I think it ought to be. I

shall therefore fall back on the only true source of sound philosophy and wisdom, and give two short summaries,—the great Teacher's definition of it, "Thou shalt love thy neighbour as thyself;" and St. Paul's, "Love is the fulfilling of the law." I do not believe that there is any other law in heaven, as there all is purity and love, and the possibility of evil, or the commission of any act contrary to charity, is inadmissible. Had it not been for the fall, man could have known no other law than that one forbidding him to eat of that tree; but the instant that event occurred, we find even Adam and Eve at law, and blaming one another. Reduced to its fundamental principles, all law comes to this—*the commission, or desire to commit, an act towards another which is contrary to love, or what we call equity and right.* In proportion to the advances of the human race, the risks and temptations to forget this divine law, naturally implanted in us, and exerting a control over us through our consciences, have increased, and although we do not imitate the example set us by Cain in the same way, yet practically we are ever at issue with our brethren, and too often, through the machinery which has, in the course of ages, at last become so powerful—namely, the law—we, as far as lies in our power, slay our brother. I know many of my readers will reply, that that machinery is a necessary part of our artificial state of society, and a consequence of it. Here I join issue at once, as they term it, and say—what has been done in France and America may be done here, and that it is a national disgrace that we have not *a code of laws to guide us*, instead of the extremely uncertain state of things at present existing;

and further, that we should have such a code, if it were not for the enormous interests the abolition of the existing state of things involves. My fellow-countrymen, who responded so freely to the eloquence of a Wilberforce, and gave your money by millions to emancipate the slaves,—if necessary, let us compensate these vested interests, as has been already done in some legal reforms, but let us remove them at whatever cost, and be free men. “Why should we,” as *The Times* so truly remarks, “go grinding on in our old and intricate method of legislation,” when by one grand and comprehensive measure *it is possible* completely to reform all the present fearful abuses, to simplify all the absurd intricacies, to cheapen all the frightfully expensive modes of procedure, and let every man have, so to speak, a directory on his office-table, to enable him as completely to inform himself of the legal bearing of every question, as his London Directory does of the various trades, streets, and persons the metropolis contains? As to the abolition of the slave-trade, its influence on the well-being of the community would be as nothing in comparison with such a magnificent and loudly-called-for reformation as this.

But I must not dwell on generalities. My proposition is, first, that you are compelled now to ask another person for advice on a subject about which you know comparatively nothing, and are unable to obtain, from any true source, the necessary information to check that opinion, and that such a state of things is most unsatisfactory. This seems, particularly after the above statement, so like a truism, I need hardly illustrate it. Any man who has consulted a

lawyer—and the oftener he has done so, the more readily—will acknowledge its force.

Almost the first lawsuit I ever had, I was only told the night before the trial that it was a question about which counsel had some doubts whether the facts could be sufficiently proved, although the defence was a just one ; and had I known there could *have been any doubt*, it would never have been attempted. This necessary faith cost me 140*l*.

Only a few weeks since, without the slightest doubt, nay, under the assurance of absolute certainty, I became plaintiff in a suit where, owing to the inability to prove my case without calling all the defendant's witnesses as my witnesses,—a perfectly suicidal course, which the attorney ought to have known and inquired into *before he went on at all*, as I thereby gave away all my chances and the last speech,—although a hard case and the jury were very averse to deciding against me, yet they did so ; and this act of faith cost me, in endeavouring to recover 7*l*., about 25*l*., and I narrowly escaped paying for the special jury, which would have been 18*l*. more.

From my own experience I could add abundant other cases, but give the above as an early and late sample.

Secondly,—The impossibility of fixing a lawyer to any given sum or arrangement, and, except under very extraordinary circumstances, with any liability.

I must treat this under two distinct heads, and will begin with an apparent contradiction,—that, in some cases, lawyers do undertake to do business on certain fixed terms, and, in others, for costs out of

pocket ; but this, in the profession, is not considered respectable, and is rarely done. With some honourable lawyers—for there are such men, and many of them, and I hope not to be understood as speaking against them or their conduct, but the system generally—it is understood that, in the event of the suit proving disastrous, they will not charge full costs ; and, in many cases, a promise, usually only verbal, sometimes written, is made to this effect.* You will remember my principles of business, and adopt my rule ; if such is ever made to you, *have it in writing*. I know the most respectable firms will say, “Cannot you take our word?” and will feel insulted if you ask for the agreement in black and white. Never mind ; prefer to insult them, and give up the proposed suit altogether, rather than take any man’s word. Experience, dearly, bitterly bought, leads me to insist on this, as you will see hereafter. Besides which, there is the great fact that, if a man means to do what is right, he cannot object to bind himself in black and white to that effect. With the clearest and simplest case, I will venture to say, except an actual bill-of-exchange case, a lawyer, who had received hundreds of me, brought an action, about which you will see more hereafter, and by his negligence (not however clearly actionable), having conducted it to a most disastrous conclusion—in other words, instead of recovering for me 275*l.*, I got considerably less than half—he promised not to

* I am told that so strong is the feeling, amongst the higher class of lawyers, against working under price, that if known the Law Society would instantly expel a man who did it, and none of its members would dare even to sit down at the same table with him !

charge me more than his actual costs out of pocket in the matter. The general bill has just come in ; and I find a charge made and insisted on, and that in a very peremptory manner, of such a sum as, with moneys paid by me to counsel, &c., completely swallows up the whole amount of the original debt due to me. Even in cases where you get an undertaking, you must be careful that it is to the purpose, and fully expresses what you intend or understand to be the arrangement.

I heard a case recently tried in the Sheriff's Court of the city of London, against Messrs. W. and Son, on an undertaking given by them,—and they certainly hold themselves out as highly respectable, and would scout the idea of being supposed capable of sharp practice,—in which they undertook to bring an action against a Sir J. E., and in any event not to charge the plaintiff more than 30%. The plaintiff then paid the 30% to go on with it. They recovered several hundred pounds *and their full costs* from the defendant, and appropriated the 30% to themselves ; and on the hearing of the case, the man said he *understood* that if they succeeded he was to have the money back, but if they failed he would lose that, and no more, for their costs. The judge took the lawyer's view of the case, and said it was clear it was the intention that not more than 30% should be paid in any case, and the mere fact of their having recovered their costs from the defendant did not entitle the plaintiff to recover back the money from them in the face of that written contract ; and no doubt, *although it was not expressed*, the intention of the lawyer was, as he took some risk in the event of being successful, he intended to be paid for that risk.

Only recently I arranged to settle a matter on very liberal terms with a defendant, and it was agreed in writing he was to pay *the costs*; but I now find that he insists on only paying the *taxed costs*, and leaves me to pay the balance, as between attorney and client,—about 15%.

Dozens of cases in my own experience and that of others would only confirm the above, and are quite unnecessary to be recapitulated.

As to the statement that an incompetent man may advise you improperly, or by gross negligence put you to serious loss, the very circumstance of having to fight a lawyer at all, as to his conduct, is enough to prevent the attempt in a general way. The fact is, that where they have acted on the advice of counsel they are free from any blame, and however incompetent the counsel may be, the law cannot touch him; so that a perfectly irresponsible, and, it may be, totally ignorant, third party is the shield to your real adviser, and, in the end, you have no remedy. Add to this, that among the members of the legal profession there is what amounts to a certain gentlemanly freemasonry, and that the *legal* gentlemen who are to conduct the case as well as to try it do not like to hurt their own fraternity, and your chances of obtaining any compensation, be your injuries ever so great, are reduced to a mere shadow of possibility.

I will give two simple personal experiences, early and late ones. I was defendant in an action brought for mesne profits after a very long trial about an ejection, where the sole cause of the verdict going against me was an omission on the part of the attorney, in

taking a conveyance of the property, to take care also to convey the right of action for ejectment then existing; and after hundreds had been spent and nearly two years' time was wasted, this very simple and fundamental rule of law was decided in the Court of Error at an expense of about 500*l*. The action referred to was then brought against me, and to avoid any risk, I, under counsel's advice, but it seems not until a great expense had been gone to, paid a sum of 30*l*. into court, which I did the moment I was asked. A notice was then given to tax the costs, and as it was unknown what they would come to, I waited at the attorney's office to know the result. The plaintiff would not wait an hour for the clerk to come back to the office for the money, but at once issued what are called two *Ca. Sa.*'s. Reader, do you know what they are? If not, I would only say they form, when realised, complete sacrifices of all you most value,—*your liberty*. In legal phraseology, they mean taking possession of your person, through the agency of another, to satisfy a claim recovered in law,—a fearful power to give a creditor in a civilised country, and one which ought at once to be abolished, and could, with great advantage, be done, as it would necessarily follow that, as soon as a man found this power gone, *he would be much more careful how and to what extent he trusted another*; and if this, as a rule, has worked well under twenty pounds, why should it not for a larger amount? Abolition of imprisonment for debt, at first sight, seems Quixotic; but, carefully considered in its practical bearings—I mean, what the state of the case will be twelve months afterwards, not what it may be at once—would confer an immense benefit, and raise the

moral tone of the community. For a man to be in terror—as many are, more or less, for months and years—of arrest at any moment, is injurious in every sense of the word ;—but to proceed with my case.

I was thereupon informed of the amount of the taxed costs, and *that I need not pay more*; and I instantly, on the proper legal books being duly consulted, went with the clerk and tendered the amount. The expenses of *the two Ca. Sa.'s* into two different counties, in which my business was carried on, were demanded, and indignantly refused. We returned to the office ; the opinion was confirmed that no more than the taxed costs could be claimed, and I was told if he arrested me I could bring an action against him, and make him pay smartly ; but it would be as well to keep the money itself in my pocket, as he might at any time come and require it of me on finding out his error, and then, if I did not pay, arrest me then and there for the correct amount. A fortnight afterwards, I was arrested. I was perfectly happy, *and tendered the money again*; but, to my horror, my worthy guardian was above the influence of that idol so many worship. Money was a thing of nought to him ; his avocations soared far above the dross of mere worldly wealth. He claimed my body in satisfaction of the debt, and nothing but my body would satisfy him. When that man made that statement and refused my money, no words can convey the terrible effect it had on my mind, no doubt akin to that the poor slave feels when he is first caught and sold. Oh ! reader, until you experience what a *Ca. Sa.* practically means, you can form no idea of what it is for the first time in its realisation. To leave a large busi-

ness, and the fact be known to all you employ, and in the whole neighbourhood, that you have been arrested and removed to prison—to be taken away thirty miles by night from your wife and children, not to know when you can return ! Well, with all this, I sent confidently, at express speed, to my adviser, who duly attended, and again tendered the money to my new acquaintance. But still he was obstinate ; my lawyer alternately threatened and promised, but to no purpose ; double the amount of the debt was put down to abide the event, but all in vain. My inexorable friend said I had come into his custody by virtue of a precept of law, and nothing but a proper discharge should, could, or would release me ; but he must release himself by at once taking me to Maidstone gaol. Oh, horror of horrors ! take me to a place like that when I could pay ! why not let me stay where I was ? the room was bolted and barred, and I would pay any sum for the accommodation until the next day. But no, this would not do ; his duty, and, I fear, a very important item, his interest (the mileage), led him to take me off at once. Still I tried to be happy, and to feel that I should, at any rate, be compensated for this very degrading business. I remained there three days, and was then released on payment of the debt and the expense of issuing one of the *Ca. Sa.'s*, and 4*l.* 15*s.* 6*d.* sheriff's costs, which I was also asked to pay, on my lawyer coolly telling me there had been an alteration in the law (the Common Law Procedure Act), which now gave the party issuing a *Ca. Sa.* the expense thereof.

All my dreams of compensation for false imprison-

ment vanished in a moment, and the only course left was to go against my own lawyer, with whom I was at the time doing a large business, or rather with his client, and therefore did not wish to quarrel, and even if I had I doubt the successful result.

Only recently I gave a matter to a lawyer to attend to, and stated it was of the utmost importance I should have a month to pay in, which I could have got at a small cost. His clerk, in drawing the plea, sent a bad one ; the other side signed judgment immediately, and although I represented to my lawyer the serious results which must follow, he did nothing, and I was consequently put to great expense and inconvenience through his negligence ; but I am now told it is very doubtful if I can recover anything, as I must, in the end, have paid the money. The annoyance and extra expense, of course, I must put up with.

I saw a man, on a recent visit to a prison for debtors, who had been arrested the previous day, on what he called a "pint of law." I perused his affidavits and gave him some advice, and it seemed he had gone through the court a year before, and had properly scheduled some bills then outstanding. On one of these, at Christmas, he was served with a writ ; he spoke to a gentleman, a lawyer, who promised to see the plaintiff's attorney ; he did so, and told him the defendant had been through the court, but failed to give him a proper written notice to that effect, or to put in an appearance, and in due course he was arrested. The lawyer says he acted only as a friend, and therefore was not responsible, as he merely made a friendly verbal communication. The plaintiff acted,

of course, right, in the absence of proof to the contrary; but the poor fellow, who had already suffered enough, had, in consequence, to endure a second imprisonment until the necessary steps could be taken at his expense to obtain his release from custody.

That any man should be able to exercise any calling, unless he is known to be fully qualified for it, all will admit to be wrong, although, in these free-trade days, we too much overlook this fact, and, by despising the system originally in practice, of which our old City Companies are the standing memorial, we have come, in almost every department of life, to allow men, who are conceited enough to make the attempt, *to practise any trade or calling they please*. But, notwithstanding all this, is it not singular that even our present laws severely punish any man who, by neglect or ignorance of what is his duty, causes serious loss either to a man's pocket, limbs, liberty, or life? For instance, through want of care in its construction, a building falls; the architect, surveyor, or builder, is liable for the loss of property, as also of life and injury to limb. A careless, ignorant, or drunken carman injures your carriage, or runs over you; his employer is liable. An omnibus was racing against another in the Edgware-road recently, and the driver ran over a man, and killed him; of course the owner will be liable to heavy penalties for this. A passionate man gives you in custody on an insufficient charge; he is liable for your false imprisonment. A tailor offers to make you a coat out of your own materials, and spoils them; he has to make them good; and, in a thousand other instances, the Common Law of this country

punishes the commission of wrong towards another, and carries out, although imperfectly, the great principle that we should do to another as we would be done unto. I ask then, in the name of common sense, why men, who get the wheat and leave only the chaff of every matter entrusted to them, should not be held clearly and fully responsible for every act, and be compelled to work on principles and charges as well known to you, and as certain as that you are to give your coachmaker 120*l.* for the brougham he is now building for you, or that the last suit of clothes or set of harness you ordered is to come to 8*l.* 8*s.*?

Thirdly,—Your interests, and those of your legal adviser, are opposed to each other, *as really honest advice to you must result in his losing business he would otherwise get.* This is a hard saying for the legal profession, and one I know they will almost to a man indignantly deny; and yet, with a little consideration, I think they will do well to pause before they bluster too loudly. I must ask the public to judge for themselves if the statement be not, as a *general rule, true?* To those who have not had deep and bitter experience of what law is, no doubt a hasty visit, now and then, to a lawyer's office, to grant or accept a lease, effect a mortgage, or carry out some comparatively *definite* business, will not have led them to think on the subject; but to those who have been dragged into law, and kept in it for years, the statement will appear only too true. "Ah, sir," a lady said to me a short time since, "I am glad you intend to let the general public know something about the lawyers. If it had not been for them my poor husband would have

been alive now, and I in affluent circumstances. They killed him, sir, and have nearly brought me down to the grave." To prove the above proposition seems to me to be about as necessary as to attempt to explain to a cabman, whom you took by the hour, that he has driven very slowly,—or one by the mile, who, in going from the Bank to Charing Cross, thought it necessary to go round by the Elephant and Castle and over Westminster Bridge, that he really has not come by the shortest route. If lawyers only got a livelihood allowed them for the really good and useful advice they give their clients, and the rest were confiscated by the State, not one in twenty would remain in practice; and other modes of obtaining a livelihood failing, no doubt the shipping interest would be greatly promoted by their patronage with a view to emigration, although it would be curious to imagine what would be the result if a colony of lawyers could possibly be established. It is a strange fact that those who do go abroad, even to our colonies, generally come back again as soon as possible. I know a man who, after plundering all his relations and friends, and reducing them to beggary, went to Canada, but finding only honest lawyers wanted there, he soon returned—I trust not to be allowed to commence his former career.

As to the principle involved. Take a writ to your lawyer, and tell him the circumstances fully and fairly at first, and ask him, then and there, to give you an answer—Can I safely defend that action? and in nine cases out of ten he will not answer frankly; in many he does not possess the necessary knowledge, or will

not ; in others he will say he will consult counsel ; and in how few cases, and from how few men, can you then and there get a definite answer ! Perhaps time presses ; the first step is taken ; you then wait the declaration, to see more fully what they say, and so get *drifted* into a lawsuit. I have known men who would ask me what course they were to take, as there seemed to be no defence ; but as a rule this is not done, and it is only when large expenses have been incurred that you are told the case is very doubtful. At least a hundred of such occur to my mind ; I will select the very latest. I owed a sum of money to a lawyer for costs ; not one penny of benefit had I received from them, however, and he taxed his bill and obtained a judgment. As I had given him a great amount of business in years past, he did not proceed to extremities, but, in order to frighten me, sent me a notice in bankruptcy. Hearing I was about to obtain a sum of money on some property, he gave a lawyer, with whom I had also had a large amount of business, notice of his debt, and only said that I had been served with a formal notice, and had not paid the money ; and although I actually paid the former, and got him entirely done with, yet the other lawyer refused to allow the transaction to go on, until I had settled with every man I owed a debt to of 50*l.*, or any several of them, who could by possibility, not probability, during the next twelve months, take any advantage of this so-called act of bankruptcy. Worse than all this, he refused to let a mutual acquaintance, to whom I owed a large sum of money, *receive it, although he urgently required it*, until I had, what he called, purged myself

from the possible effects of that act of bankruptcy, by settling with every creditor I had ; as, he said, if I paid him the money, he would receive it from a *tainted hand*. If this is really bankrupt law, that a man, be he even one of our merchant princes, who, through some inadvertence or pressure, commits what is called an act of bankruptcy—although he immediately afterwards settles with the party—is to be open to be made a bankrupt instantly, even on current accounts, and when amounts *are not due* for months—and is to be prevented from dealing with his property in any way, &c. as to enable him to relieve himself, if he is in difficulty,—the sooner the bankrupt laws are altered the better. As to the hardship of requiring the children of Israel to make bricks without straw, they had a resource by gathering the stubble and working harder but the man who is so unfortunate, as in my case, is told to pay his creditors, whilst the only available resources he has are impounded. In other words, he is required to dig the gold, and pay the creditor, whilst the Court of Bankruptcy law holds his hands tied and withholds the spade, although the auriferous metal is beneath his feet and within his reach. A short time since I heard a Mr. R., in the court over which our excellent Recorder presides, object to a settlement which bound the parties to a final arrangement of three actions, on what seemed to me at the time very plausible grounds, but which were explained as illustrating my proposition, on his turning round and whispering to the attorney who instructed him,—“Of course we shall oppose this, as it will end the matter at once ; and I see no reason why we should consent

to that course if we can possibly help it,"—to which view the attorney most readily assented.

Can you explain why a man who has no means, or next to none, manages to get his law matters soon settled? Is it because the attorney advises him to go and make the best terms he can himself?

Have you ever heard of the lawyer who retired with a fortune, and turned his business over to his two sons? When, on going to visit them a few months afterwards, to inquire how they got on, amongst other things they exultingly told him they had succeeded in arranging that Chancery suit he had had in the office for so many years, the old man became furious, and threatened to disinherit them for their folly, stating that that very suit had been the means of their education, and of his making a fortune; and that they had, by their foolery, thus given up a *first-rate income*.

It is truly an ill wind which blows no one any good; and rarely does a misfortune happen without the same result. Although I regard it as a great misfortune *to have to do with lawyers at all*, except in matters of conveyance, settlements, wills, &c., yet, to have to pay a man whose interest it is to promote your naturally pugnacious tendencies, and thereby your misfortune, is a sad state of things. An action was brought against me some years since, and not proceeded with; but as the object was clearly only to frighten me from insisting on a just claim, I forced the lawyer to go or abandon it and pay the costs. He had not a chance of success; and yet that man, because he knew *his costs were safe*, actually went into court and tried the case, and, of course, lost it.

A short time since a friend sent a man to me who had been unfortunate in business, and was compelled to go through the court. When he came up for his certificate, a lawyer threatened, on behalf of a client, to oppose him, unless he agreed to pay him a certain bill of costs due to his friend. This was agreed to be done ; and after waiting until the poor fellow had got into a situation, and recovered himself, he pounced down upon him, and I had to pay out the sheriff at a considerably increased expense, to save his goods being sold. Surely we may say, *not only are the interests of the lawyers opposed to the interests of the general public,* but in too many cases must add to it the tender mercies of the wicked lawyers are cruel.

One of the latest and most refined, but comparatively common, instances of the ingenious way in which lawyers *make costs*, has just come under my notice. Goods were supplied to the amount of 10*l.* 10*s.* A writ was served, I believe, without sending a letter first, *by appointments to make the costs heavier*, as there was no difficulty in serving it personally, had the party wished so to do. The judgment was signed behind the party's back, and costs taxed. The debt and costs were then sued for by a summons in the Sheriff's Court. The money was offered, but the lawyer refused to take it without still farther costs to himself for attendance, although the matter was settled without going into court,—and thus the sum was actually doubled in the course of a few days, by these very simple means.

And here let me advise my reader never to try and avoid the service of a writ now-a-days, as it is quite

bad enough to have to pay a lawyer 2*l.* 10*s.* for what costs him only 5*s.*, without letting him make it 6*l.* or more by what they call substituted service—a course of procedure they very much prefer, and which only delays the matter some three or four days.

Lastly,—The advantage and encouragement given by you, in letting your feelings get the upper hand, thus leading you to give up your only safe rule of conduct—your judgment.

If you are a man of means, of course your lawyer will only be too willing to carry out your views, I think I may almost say, in any way you wish within the compass of the law. No doubt most so-called lawsuits, as distinguished from actions for debt, are brought about either from a desire to overreach another, or for the love of revenge. Few, very few long suits at law are really honest and fair attempts on both sides to do the right and honest act. It is sometimes, I know, necessary to institute law proceedings to recover back that of which you, or those before you, have been defrauded; but nine cases out of ten arise from *wrong and improper motives on one side or the other*. I recollect an absurd case, reported in the papers a few months since, where two merchants had quarrelled and insulted one another. One was reported only recently, brought by the late clerk to the corporation of R——; and such cases occur every day, where an enormous expense is gone to on both sides, which results in the counsel themselves making up the quarrel, and each party usually paying their own costs, or technically, on a juror being withdrawn. I distinguish these from such a case as that

by Myers against Dennison, relating to the Big Ben, where a man's character was assailed in print, and consider that as an honourable and necessary transaction. But you must have heard of very many cases where men have brought actions against others from malicious feelings, or the desire to overreach; whilst others have defended actions brought to recover what was justly due with the same motives. A case occurs to me now, where an action was brought against me in the name of a third party—the real party guaranteeing him from all risk—where a sum of money was due to me, under a distraint I had levied *by the advice of my lawyer*. No sooner was the action brought, than I was told I was in error, although I had acted strictly on my lawyer's advice; and I then offered, rather than have any law, to give up my just claim to the 30*l.*, to settle the matter, as I was supposed in law to have committed a mistake, in putting in the distraint in the form I did; but the lawyer said, "No, he would not advise his client to consent to *any arrangement*, as there might, perhaps, be some question at a future day;" and he, after keeping me nine days at the court, for which I received *one shilling*, tried the case before Baron Alderson, who took the moral and equitable view of the matter, and gave me the verdict. The lawyer then went to the court above and got the verdict confirmed; and I never received more than the shilling alluded to, because I was supposed in law to be present for my own protection, and not on the subpoena from the plaintiff.

A rich man, living near me a few years since, being anxious to improve his estate, made a fine wide road

which led from an old private turnpike road, but constructed it so as to come out beyond the existing barrier. The comparatively poor freeholder, whose ancestors, no doubt, had formed the road, finding he would be ruined, removed his pike higher up, but on the old road, and the rich man at once, by force, destroyed it. This led to a long lawsuit, which terminated in the poor man's favour, although, through the anxiety, it caused his death. Is there not in this case the secret motive of many others,—actions brought for enclosing land the parties know does not belong to them ; also to restrain persons from supplying customers in a certain district, for which they have received liberal compensation, and even bound themselves solemnly by deed ; for selling horses as sound, known not to be so, and a thousand other questions involving *the same principle* ? But, even with all this, I am prepared to say that more than nine-tenths of the people who try actions at law would, as soon as they have gone up to the last point, rather settle through the medium of a third party than try it out before a jury on its merits.

COUNTY COURTS.

ONE of the greatest improvements of the present time is the institution of County Courts for given districts throughout the country, where, once a month, or in populous places twice, the poorest and most ignorant, at a very small cost, may obtain his rights, or be corrected in his notions as to what he deems his rights, by a competent officer appointed for the purpose ; and if

the case be above five pounds, he may, at a small cost, have the opinion, as to the merits, decided by five of his fellow townsmen or neighbours, assisted, as to the legal bearings of the question, by the judge.

To suppose that such courts are models of perfection, involving as they do questions of the most variable nature, to the extent of at least a hundred a-day, would be absurd ; but that they work well and satisfy the wants of the public is universally admitted, and that they have been of immense advantage to tradesmen and the community in general is undeniable.

I believe the principle of our County Courts is the right one, "that a competent, responsible judge should decide the merits of the case," as he is but little influenced by what is said by the counsel on either side, and only judges by the *evidence*, whereas a jury too often are led away from the real point by their feelings or the address of counsel. If this is not so, why are lawyers so anxious to employ a certain man for a certain case in preference to others ? I know of some who will not attempt to bring a certain class of action, unless they can secure beforehand the services of the man most suited. The late Serjeant Wilkins' abilities in *crim. con.* and breaches of promise of marriage cases will illustrate this ; and how often do you hear lawyers say, "Oh ! such a man is a very good lawyer, but no good for a jury ;" whilst others know nothing comparatively of law who can do almost what they please with a jury. The lawyers will, I am sure, think of one to whom I refer, who has grown great both in person and reputation, even of late adding M.P. to his name.

It has been objected that County Courts encourage litigation, and in some cases they do ; but it is very harmless and soon ended, and does not cause much injury to the parties. Again, that a respectable man may be annoyed unnecessarily by one who is not so ; this soon rights itself, as it did in a case of my own, where a low bad fellow summoned me for a debt which had accrued since he had gone through the court ; he having obtained goods of me a few days before he filed his schedule, and having promised to work the debt out, he did not put me down as a creditor in that schedule. Not thinking of this omission, he had the effrontery to summon me, two years afterwards, for the whole of the work done ; but on my representing the facts to the judge, the case was adjourned, the proper evidence produced, and the worthy gentleman, on a cross summons, brought in as my debtor, and after many months' forbearance in each case, and an absolute refusal to pay anything, I have annually given him forty days in Horsemonger-lane gaol, and shall continue to do so until he does pay my debt.

I know one lawyer who lost 500*l.* a-year through the abolition of the Courts of Record, and the loss of costs under debts of 20*l.* through the establishment of the County Courts ; and if his experience is only realised by every lawyer, even to the fiftieth part, what an enormous saving have not the County Courts effected for the community !

Having stated my favourable opinion of these courts, I must now remark that it too often happens that the business is not conducted in a proper and dignified manner, and some have been described as perfect

bear-gardens. I do not think I am going too far in saying that the judges often forget that they are judges, and resort to their former station as advocates. I am sure that I am fully justified, and that it is *a duty to them and the public* to say that their conduct is often most undignified and exceedingly unbecoming persons who have so solemn a duty to perform as that of deciding what is just and right, truth and falsehood, especially as the chief evidence given before them is that of defendant and plaintiff, who generally swear point-blank against one another. That their general tone and bearing is not such as to impress the parties themselves with the serious nature of their statements; and, in some cases, the judges seem to think they are especially gifted and permitted to make puns, and to amuse the audience by their unseemly wit, and in others by their ungentlemanly bearing towards both the public and the profession.

Those of my readers who may have visited the Sheriff's Court of London during the late judge's time, and those who choose to visit it now, will be struck with the force of these remarks. For a judge, whose court is specially and rather peculiarly constructed to enable a suitor to recover 50*l.*, to ask a plaintiff, who comes up from Leicester expressly to sue a man, why he did not put it into his lawyer's hands there, and, on receiving as a reply, "Our lawyer said this would be the easiest and cheapest mode of recovery," to lift up his hands, and turn round to the lawyers present, and exclaim, "Did any one ever hear of such a thing as this—a lawyer actually recommending his client to come all the way from Leicester to London to sue a

man in this court, *because it was the cheapest?* Surely, gentlemen, that man ought to be put in the British Museum, and be made an exhibition of!"—seems to me to be travelling out of the proper and dignified course. I have no wish to reprint the strange remarks or decisions which have appeared, from time to time, in the daily papers, as occurring at these courts; but when persons placed in such a position insist on making orders in their own way and on their own responsibility, without even allowing the attorney on either side to go into a single fact, and are obliged to reverse their own *hasty decisions* within five minutes, on being *shown precedents against them*, it is high time that the authorities who have the appointments to such offices should be more particular in the choice they make; and you will think with me that *Punch* might with advantage visit our County Courts, and reprove some of their judges, as he does so sharply Baron B. in the superior courts.

CHANCERY.

As to this part of our law, I am thankful to say, although I have had many narrow chances and hair-breadth escapes in common law, I never had but one process in Chancery, which was on a slip of paper, called a *Lis Pendens*, to compel the completion of the sale of a house; but, although the matter was settled at once, I found this little affair a complete thorn in my side every time I wanted to sell my property; and what larger pieces of paper, in the shape of printed bills,

convey, I have no idea ; but all I can conjecture is, if they sting in proportion to my little fellow, I pity the sorrows of the poor creature who is the subject of them, *be he either plaintiff or defendant*. I see a return made of more than a million and a half as the taxed costs in Chancery during the last year. What must therefore be, taking those paid without taxation at half as much more, the proportion of costs to the interests involved ? Suppose we say one-fifth, which would not be an unfair sum to put it at, the reader will please to draw the inference that if he leaves 10,000*l.* behind him, to be divided amongst his family or friends, unless he makes his bequests very clearly, it may cost 2,000*l.* out of that sum to find, satisfactorily to the Court of Chancery's conscience, what his real intentions were.

ON LORD PALMERSTON LAYING THE FOUNDATION STONE OF A
LITERARY INSTITUTION AT SOUTHAMPTON.

(*Times*, 10th Jan., 1861.)

It appears that an eccentric gentleman of the name of Hartley, whose eccentricity seems to have taken the turn of a wish to do as much good as possible to his fellow-creatures, left 100,000*l.* for the purpose of founding a Literary and Scientific Institution for the benefit of the town of Southampton.

As the gentleman was eccentric, and the bequest of an exceedingly public nature, it met, of course, with a most violent opposition. 40,000*l.* was paid as a moderate tribute to the presiding genius of the Court of Chancery ; but as, even for this price, the Court of Chancery could not be got to make an end of the suit, 20,000*l.* more was spent in compounding the quarrel, and so only 40,000*l.* remained out of the original 100,000*l.*, to accomplish the purpose of the testator. We are very glad that the Court of Chancery did not eat up the odd 40,000*l.*, as, according to immemorial precedent and custom, it ought to have done.

A CHANCERY CASE.*

To the Editor of "The Times."

SIR,—You have called public attention to the bequest of Mr. Hartley for educational purposes in Southampton, and commented on the enormous slice which Chancery litigation has cut out of the fund. Can you give space to a story, the details of which I can vouch for, and which is far more grievous in its effects to the parties concerned than the diminution of the Southampton trust is, if one compares the gross total and the net proceeds?

Three or four years ago an old man, whom I may call Mr. Smith, died, leaving behind him about 4000*l*. Of this sum part was devoted to the payment of his debts, four sums of about 700*l*. each were devised to as many persons, and the remainder, which the testator had evidently under-estimated, to a charwoman who had waited on him before and during his last illness. Two of the legatees I was acquainted with as their parish clergyman. They were the daughters of a sickly mason, and among all precarious employments, no occupation that I know of is more inconstant than that of a sickly mason. Of the other legatees I know nothing.

The large amount devised to the charwoman formed a ground for the heir-at-law, a remote collateral kinsman of the testator, to attempt to upset the will, on the plea of undue influence. The action was an attorney's, and the defence an attorney's also, as a matter of course. The plea, however, could not be maintained; the suit was, and, though the money which remains is not yet paid, it is, I am told, to be paid some time this side of Latter Lammas.

The two girls whom I was acquainted with died inchmeal of consumption, aggravated by the need of the common comforts of life. I say this positively, for when the elder sister died, and the other was notably going the same way, I took her into my own house, and soon changed her looks by warmth and nourishing diet. It was after she left my house that I heard of the

* *The Times*, 15th Jan.

legacies, and then not from the parents. Meanwhile the suit went on, and the capital fund is no more than 400%. The Lord Chancellor ordered costs to be paid out of the estate. When does the Lord Chancellor ever do otherwise, or what lawyer would be got to urge a contrary course? The attorney's bill for the charwoman was upwards of 800%, and is paid untaxed, but not without a faint opposition on the part, no doubt, of the estimable attorney to the deceased legatees.

It is a sad hearing when a working man gets talking of *caveats*, and orders in Chancery, and taxed costs—well nigh as bad as a child swearing! No wonder, when his head is stuffed with this hideous jargon, with memories of the dead and deferred hopes, that his look is forlorn and his gait shambling!

I do not blame attorneys. If people will lay out carcasses for vultures they must expect the birds to gather. I do not blame Lord Chancellors. It is hard for a man to be considerate when he gives away other people's property.

But there is, I submit, a remedy. It is not my own, but was proposed by Jeremy Bentham, and is endorsed by Mr. Mill. If it were adopted, and carried out rigorously, it would stop more heartburning and devilry than a legion of apostles could cure. It would awaken the whole Chancery to a harmonious howl for compensation. It is simply this,—“That collateral inheritances *ab intestato* should cease and escheat to the Crown.” If a man leaves property and does not care to make a will in favour of distant collaterals, it is an argument that he does not care for them. Whether or no, he has no right after death to leave the materials for wickedness and wrong.

No heir-at-law could have wasted the Hartley bequest, and—what I humbly submit is a far worse case—the means of life for my two poor parishioners, if the wise suggestion of Jeremy Bentham had been made a rule of English law. It would be quite enough if heirship-at-law went no further than cousins german.

Your obedient servant,

Jan. 11.

A CURATE.

LAW.—PROPOSED REMEDIES.

To attempt to give a list of the evils of the present state of things would be wearying indeed. I will, therefore, only suggest a few remedies, capable of general application. And the first that occurs to my mind—in these very philanthropic days, when we have hospitals for everything, even I believe for dogs, and asylums for every imaginable evil—is, to suggest the establishment of a

LAW HOSPITAL AND DISPENSARY.

I am sure my readers will now begin to think me a fit inmate for Bethlehem Hospital; but so the public have said of all men who have introduced radical changes, at all times during the history of the world. I need not prove this, surely; and I think I may lay claim to the subject being at least an important one, and ask your calm consideration. Would not the Greeks or Romans, or even our own countrymen three hundred years ago, have considered the establishment of a hospital or dispensary, to be supported by voluntary contributions, as equally Quixotic? and would not our slave-dealers and slave-holders, fifty years ago, have laughed at the absurdity of the attempt to make such men free members of society—indeed to treat them as men at all? Can any good reason be given why an institution should not be established, with properly qualified officers, where persons might, for a small fee (for I should not at first be so generous as to throw it entirely open to the public, and thus *at once ruin the*

lawyers), obtain a sound and honest opinion on any case they liked to submit, and be able to have any differences adjusted by a properly constituted party? In other words, why should not the general public be able and willing to adopt the same principle as that acted upon by the persons called Quakers, and let a third party settle their differences; the matter being so arranged that, if either party is dissatisfied, he may, with the consent of a third person, *who is to be the judge of the merits of such dissent*, carry the case before another tribunal? It is well known that the Quakers are wise enough so to manage their affairs as, in doing the same amount of business as any other set of men, not to pay one-fiftieth part of the expenses others pay in law, and that mainly is the reason why (in addition to their carefulness) they get rich.

Some of our Trade and Protection Societies somewhat approach my idea, but only to a very limited extent; but the tribunal called in France the "*Prud-Hommes*," if applied to all cases, would really be all that is required. We want first *a responsible adviser*, and next, *a system of reference or arbitration*.

I know that our judges, as far as possible, and in the existing state of things far more than is agreeable, try to promote arbitration or references, but on a totally different principle to what I would suggest. As facts are stubborn things, I will give three of my experiences of references; submitting, however, my clear conviction, that a *compulsory reference to a party you do not approve*—from whose decision, whatever may be the result, you have no appeal—is unjust and oppressive; and, as many others have suffered as

well as myself, perhaps some Henry Brougham may arise to remedy the evils of *enforced references* under existing arrangements.

I say then, first, that the present masters to whom many of the causes are referred have that business put on to their other duties, and such ought not to be the case. I had a reference five years ago, about a matter where I was clearly right; but as the other side put off the appointments or came without witnesses, and worried the master, he threw out a very plain intimation of his displeasure, and I was induced to accept his suggestion—to pay my own costs, and give up a just debt, rather than run the risk of a hasty or partial judgment on the matter. Besides all this, I do not think the way in which a reference is now carried out sufficiently dignified. There is too much familiarity with the judging party, whose position ought, in every sense of the word, be one of *isolation from all possible influence*.

I had another matter, in which I was plaintiff, referred to a very able judge of a County Court, and in which there was an evident mistake in the claim of a very large amount. This so prejudiced the arbitrator's mind, that he actually made an award *against a balance admitted to be due to me by the defendant's attorney*; and I had to pay the costs on both sides, with no possibility of appeal against what was clearly wrong.

But the worst and most glaring case of all, and, unless I take leave of my senses, the last in which I will ever again consent to be plaintiff on a reference—defendant I should not so much object to—is to come. I had a claim against two ladies *for an agreed balance of 375*l.**,

for which I received an order for payment of the money upon their lawyer, who was, to a certain extent, their banker. I was paid 100% at once, and the balance was promised in four days. Being absent from town, I sent my clerk with a note to receive the money as promised. The lawyer wanted 25% taken off as discount. I refused, and said the prices had all been agreed for cash, and I had already taken something off, and demanded the money in accordance *with the order*. It was refused. Application was made to the ladies, but to no purpose. Then a lawyer's letter; and, after some days, a writ and declaration. A summons was instantly taken out to refer the matter, when I said very confidently to my lawyer, "What can there be to refer? The amount is agreed and part paid, and there is the order for the balance;" *but the judge made the order of reference absolute*. I proved my case myself, as far as possible, by my men and clerks; and then obtained a judge's order, to enable me to have the matters in question inspected by first-class men who were not interested in the business. Although these parties went with the judge's order in their hands, they were refused admittance. One of the defendants sat next the arbitrator at every meeting. They called whom they pleased to say that the sum agreed to be paid was enormous and unjust. I was at the disadvantage of being totally unable to contradict them, and, although they had paid 240% into court out of the balance of 275% agreed to be due, the arbitrator, under these extraordinary circumstances, made an award of 202% only, and ordered me to pay the whole costs on both

sides; or, in plain English, if, when I had been asked to take off 25*l.*, I had said, "No, on principle I will not do that, but I will make you a present of the whole of the 275*l.* admitted to be due to me," I should have been money in pocket, and have saved three months' annoyance.

I tried my utmost to upset such an unjust and grossly iniquitous proceeding; but was told by the judges that, although it certainly was a hard case, they could not on principle interfere, as the arbitrator's award was final, and he was judge both of law and fact.

As I think my readers must, by this time, be as tired of law as I am, I will finish by recommending a suggestion which has been made and partly carried out in Middlesex and Yorkshire, to facilitate conveyancing and simplify titles to property, and that is that

A GENERAL REGISTER OF PROPERTY

be made throughout the whole country. If this were at once done, and effectually done, it would, in twenty years' time, put an end to an immense amount of law and misery, and greatly simplify the transfer of property. As to the objection that such a course is inquisitorial and offensive, I say no one should have any transaction in life he is, or ought to be, ashamed of; and because our great landed proprietors have large burdens on their property, and do not want the world to know it, this very simple reform is deferred. If the law refuses to allow a tradesman or merchant to borrow money, or rather another to lend it, on goods or merchandise, safely, *without a public regis-*

tration of the fact, why should not the borrowers of money on land be subject to the same law? Why, indeed? Only because they make the laws, and are allowed themselves to appear to be what they are not, whilst they refuse the same privilege to those beneath them. Even Dr. Johnson, Tory as he was, advocated a general register of property in the following sentence:—“All laws are made for the convenience of the community. What is legally done should be legally recorded, that the state of things may be known, and that wherever evidence is requisite, evidence may be had. For this reason, the obligation to frame and establish a legal register is enforced by a legal penalty, which penalty is the want of that perfection and plenitude of right which a register would give.”

Although I have given many of my experiences as warnings to prevent you, as far as possible, from getting into similar circumstances; and have suggested some remedies, with a view to the more impartial administration of the law; yet with all this I find myself totally unable to embody the only really safe advice for you in any other words than those of the celebrated Lord Bacon, which I earnestly commend to you as a motto worthy of a place over your counting-house desk:—

I wish every man knew as much law as would enable him to keep himself out of it.

WHAT COURT TO APPLY TO.

It may seem very impertinent for a non-professional man to attempt to advise you on this subject; but

you will be able to form your own opinion from facts already stated, as to whether my experience will not enable me to do so confidently and impartially. I have already spoken highly of the County Courts; but their jurisdiction, except by mutual consent, does not extend beyond 50*l*. I have also mentioned the Lord Mayor's Court as having peculiar powers in attaching or securing moneys in a third person's hands, and although I have had anything but a pleasant acquaintance with the latter, both as defendant and plaintiff, I unhesitatingly recommend all City men, or persons who can in any way prove promise of payment of their debts, or their receipt of the order or delivery of the goods within the City of London, so as to enable them to make use of its power, to go to that court and no other. My reasons are, that you have an excellent judge and a sound lawyer in our Recorder, Mr. Russell Gurney. That the fees above 5*l*. debts are in proportion to the amount recovered (if you do not recover more than 5*l*. you get no costs whatever as a rule), and are considerably lower than in any other superior court. That the trials take place nearly every month. That the whole system is more equitable than any other; and that although you have the power of arrest above 20*l*., as in other courts, yet, under that amount, you cannot arrest until you have had the defendant examined before the Registrar as to his means; and although every effort is made to get the plaintiff his money, yet that ordeal, at an expense of six shillings and eightpence for the fees of the lawyer attending, is privately conducted in the presence only of the officers of the court and the parties concerned; and a man who is really willing to pay can state

his means and difficulties, as he ought to be able to do, in comparative confidence, instead of, as is the case in the County Courts, in the presence of perhaps a hundred persons and the reporters, who do not fail to insert the particulars in the cheap or local papers, *thus adding fearfully and unnecessarily to the man's injury and degradation*. In consequence of the appointment of the present judge, and some improvements in the forms, the business of this court has more than trebled of late; and as lawyers are paid moderately for their trouble, and the court is decidedly possessed of powers and advantages the others do not enjoy, I doubt not but that the business will continue to increase, *as plaintiffs are beginning to find out it is the best and cheapest mode of effecting their objects*.

BANKRUPTCY AND INSOLVENCY.

To those of my readers who may not understand the difference between the two above terms, I would shortly say that the former means essentially the same as the latter in fact, but is usually descriptive of the utter inability of a man to carry on his business, and applies exclusively to the trader, or a man who deals, or familiarly buys and sells goods or merchandise, or anything coming within the province of trading as generally understood. Insolvency, on the contrary, except where the debts are under 300*l.*, if the man is in trade, refers more especially to the non-trading class, or non-mercantile portion of the community, and, unless under peculiar circumstances, is unavailable for any other; although actually, in practice, it is catholic in its adapt-

ability to the wants of all. Perhaps I may be more readily understood if I say that the Bankruptcy Court is the upper or more respectable court, as all persons, as a rule, are at large during the ordeal they have to go through in connection with it; whilst, in the Insolvent Court, all persons who are or have been in trade, if their debts exceed 300*l.*, must first be put in prison, and give securities for their due appearance at the process to be gone through to enable them to be released from their creditors' claims. There are, however, two very important points of difference in the *actual results obtained*. In bankruptcy there is usually something left for the creditors, and the man is, after passing, *entirely freed from his liabilities for ever*. In insolvency it is next to a miracle to receive anything, and the man is never free (unless he afterwards becomes bankrupt) from his liabilities, if he ever *has the means of payment*. For instance, if he afterwards comes into the possession of property, *the court can claim it*; and if he is doing well in business, or obtains a lucrative employment, the court will, on the application of any of his creditors, compel him to set aside a portion of his earnings for payment of their claims. There is, however, this very striking analogy between the two courts, that the larger the sum a man fails for, instead of leading to a severer scrutiny, always has the *effect* of enabling men to get through much more easily, as it is a very bad affair indeed which does not produce enough assets to enable the officials to make a good thing of the case in the shape of commissions, &c., when the failure is for a large amount; and if I were advising a person, I should say, "For your own sake, take care not to fail for a small

sum." Every man, therefore, who can possibly manage to bring himself within the description of a trader, if he is in difficulties, tries to do so, in order to enable him to become *free*. You may often see this result accomplished by lawyers and other professional men, who actually do some business out of their own proper calling for the express purpose. I am not very well acquainted with the practice of either the Insolvent or Bankrupt Courts; but it has often struck me that they are both most clumsy pieces of machinery; and in what way or for what reason the laws of our country should allow two courts to exist for the administration of the law in two such diverse methods, for practically the same objects, is a mystery I have never yet heard attempted to be solved. Are the trading classes, who can manage to get into debt *for more than 300*l.**, in some way or other persons of a superior order to their poorer brethren, as to deserve their entire release from liability, whilst the others are held still-bound? or is it that the man who is able to trade for a large amount, and, through his bankruptcy, defraud his creditors of a corresponding sum, is a necessary part of our community, and is, for that reason, specially protected? That it cannot be on moral grounds is abundantly proved by the disclosures made from time to time. I think no satisfactory answer can be given. It is simply a fact, and an absurd one in this enlightened age, that such a gross inconsistency does exist. Is that, however, any reason why it should continue? Surely not; and it will be a national disgrace to us if the anomaly be not removed in the ensuing session of Parliament.

An acquaintance called on me a few days since to say

he had been made a contributor, through the Court of Chancery, for a large sum to a public company, and that he intended to be arrested by a friendly creditor, and go through the Insolvent Court to *get rid of the liability* as well as his trade debts, which he would otherwise have done his best to pay. On my pointing out to him the difference there would be in the event of his going here instead of to the Bankruptcy Court, he decided to get his friend to make him a bankrupt, and his name was just appeared in the *Gazette*. He has thus saved the annoyance of arrest and eight days' imprisonment, and will ultimately obtain a *clear discharge from all his liabilities*, to say nothing of the risk he would have run of imprisonment, through a persevering opposition on the part of any one of his creditors, had he gone to the insolvent Court.

I have already said that the Court of Bankruptcy is the more respectable, and by far the best court to apply to; and, although one of the commissioners, in name and character, is the counterpart of a certain instrument we put on our outbuildings to enable us to know which way the wind blows, and it is just as uncertain whether the man who goes before him gets a first or third-class certificate, and all the others have different rules of conduct in their courts, yet still it is a comparatively easy thing to get through, and, at all events, obtain a second-class certificate. It has been said that the person first alluded to is so peculiarly constituted that, notwithstanding the apparent truth and undoubted fairness of the simile applied, yet, in other respects, there is a considerable approach to the steadiness of the needle in the compass, as you have only to

attack a man, or get up an apparent opposition, and as certainly as the needle turns to the magnet will his warmest sympathies be displayed for the sufferer, and, in the majority of cases, a first-class certificate be the result. The returns published, I am told, prove that more first-class certificates are granted in that one court than in all the others put together, and it has even been hinted that the lawyers do not fail to use *the magnetic power of a weak opposition to effect the object described*. It is hardly worth while for me to go into detail and show how easily this can be accomplished; but by the time you have finished this chapter you will be convinced that the whole affair is a complete jumble, and that it is quite impossible for the commissioner, under the existing state of things, to get fairly at the merits of the various cases, and that it is only where there is a persevering and real opposition that there is the least hope of the actual state of the facts being made public. One of the other commissioners, I believe, as a rule, never grants first-class certificates; another adopts a very good plan certainly, and one which only requires to be more fully practised and extended in its nature—that before he will entertain any application for a certificate, he requires the written report of the official assignee on the man's conduct and accounts. A fourth, whose quiet demeanour and apparent inattention would lead you to suppose he sat there as a totally unconcerned spectator, instead of the judging party, but whose head contains more real law and sound common sense than all the other commissioners put together, will—at the conclusion of a jangle and wrangle between the opposing attorney, the

assignees' attorney, and the attorney representing the bankrupt, who asks for a first-class certificate at least, whilst the opposition storms for an absolute adjournment *sine die*, without protection, and the legal adviser for the assignees does not wish to press hardly against the bankrupt, and possibly the official assignee suggests, in answer to the inquiry of the bewildered commissioner, that the books have been very badly kept—coolly but firmly give a third-class certificate, to be suspended for six months, without protection for the first three months, the bankrupt *being available* to his creditors during the first three months. Put into plain English, it means, "I think your conduct so bad that, although I have no power to imprison you for it, or do not choose to order you to be indicted, if any of your creditors think you ought to be punished I give them the opportunity of doing it; and if you attempt to evade them, all the proceedings hitherto taken before me for your release from your liabilities will have been useless." Reader, can you imagine any contrast more striking than the effect of the *magnetic power* on the one, and the cool, stern, and formidable power you may have to contend with in the other? And this leads me to the next point: that, except in the case of a man becoming bankrupt a second time, when the matter goes to the commissioner who had the former bankruptcy, *it is a lottery before whom the case may go*. You may, if unfortunately you become bankrupt, get before the *instrument*, but your chances are equally great that you will get before the stern wielder of the power of which the *instrument* is merely the feeble and inconsistent representation.

To any person of common ordinary intelligence, a visit to our Courts of Bankruptcy, for the first time, will convey a very extraordinary impression of the administration of our laws. A scene so totally at variance with the calm dignity of a trial in either our Common Law or Criminal Courts cannot fail to strike him as being entirely inconsistent with and opposed to the accomplishment of what is intended,—namely, a careful investigation into the circumstances and merits of the person to be judged. For we must bear in mind, that the main object of the investigation by the court should be, to decide *whether A. B. is a fit and proper person to be relieved of his liabilities, and again entrusted with the world's confidence and respect.* And further, it has also to decide, for the guidance of the world, *what measure* of confidence and respect it considers the party so to be judged worthy of.

No doubt this view of the case is not sufficiently attended to, but that it is the true object is evident from the fact, that the court has the power to grant either first, second, or third-class certificates of character, as also to suspend or refuse them altogether; and the real and undoubted principles on which these are supposed to be granted or withheld ought to be, if actually, fairly, impartially, and consistently abided by, the guides to the commercial community. In order to enable my readers to see this clearly, I will state the grounds themselves. First-class certificates should be granted to persons who have become bankrupt from *wholly unavoidable circumstances.* I hardly think any explanation necessary; but, as a short one, would say, if the bankrupt had all his available assets

in the hands of the Bank of England, and that failed, and thus caused his stoppage, that would be an unavoidable failure, and entitle him to a first-class certificate; or, in plainer English, the court would say to the world, "This man has been unfortunate; he is not to blame." Of course there are many other circumstances which would also entitle him to a first-class certificate,—such as paying in full; sudden loss by flood, fire, or tempest; strikes of workmen; stoppage of supplies of the raw material, on which his manufactory may depend, through the breaking out of war, &c. &c. The first-class-certificate man should, in the commercial sense of the word, be the nobleman, or highest honoured of *unfortunate* mercantile mortals. The second-class certificate refers to those persons who have become bankrupt *partly from unavoidable causes, and partly not*; or, in other words, those who have in some measure been overtaken by unforeseen disasters or losses, or have speculated, or given credit without due caution, or gone on trading in a careless and improper manner. These persons, the world is told, are not dishonest men, or men undeserving of confidence or respect; but they are men who have not conducted their business on sound and commercial principles; and although the class most exposed to loss and misfortune as a rule, yet the world must not place implicit confidence either in their integrity or their judgment. The second-class man is the "tradesman of society." The third class are those who have failed *neither wholly or in part from unavoidable circumstances*. Under this description may be included the man who has traded recklessly, or been guilty of

questionable transactions in his dealings; who has commenced business with nothing, and ended by failing for a large amount; who has lived extravagantly; who has dealt largely in accommodation bills, or paid high interest to enable him to keep on in business; or who has gone on trading when he knew full well that he was actually insolvent, and that recovery was hopeless. The court says to the world about these men, "You may use them if you choose, or trust them if you please, but our advice is,—*be careful what you do.*" They are the "costermongers of our commercial society."

The last class, who are refused protection, are those who have been guilty of fraud and wrongdoing to such an extent that the court refuses to have anything to do with them, and thus says to the world, "*Beware of thieves and swindlers.*" These are our "blacklegs of the commercial world," and as much to be avoided as our ticket-of-leave men.

I have said, the stranger on visiting the Court of Bankruptcy would be struck with the apparent absence of all calm investigation, and would be convinced that, under present arrangements, it would be next to impossible for the court to be able to form such an opinion of the merits of the case as to be worth the attention of the world at large, and that thus the *fundamental object is entirely lost sight of*. The practical result is—that the world cares hardly a straw, in its future dealings with a man who has become bankrupt, *what class of certificate* he has obtained; but looks to the fact that he has *paid a good dividend* as its guide, although it may happen that, to enable him to accomplish such a result, he had, only a

short time before his bankruptcy, obtained goods or merchandise, or discount of accommodation paper to twice the original and correct amount of his trade transactions, for that express object.

To those, however, who have not visited the court, a short description of the proceedings and organisation may enable them to form some opinion as to the correctness of the statements made. You have to suppose yourself passing with me through a narrow street, a short distance from the centre of the life of the world—the Bank of England and the Exchange—and on seeing a large doorway on our left, approached by a few dirty steps, we read the inscription, “Court of Bankruptcy.” We ascend, and immediately on our left is the Registrar’s Office, at which we can obtain information, after the short and ready index style, of the various cases now before the court, and when the parties will come up for their examinations, certificates, &c. We then pass through a kind of square, and enter a large hall, from which two wide flights of steps ascend on the right and left hand, to the two sides of the building,—and it is well that the staircases are wide, and also that they are constructed of granite, for great is the multitude who are constantly ascending and descending, many of them with heavy hearts and downcast looks, at the certainty that now all hope of retrieving themselves is clean gone for ever, through the failure of that customer who is to-day to pass his last examination, and from whose estate there is but little hope of even one shilling in the pound. Do not imagine that the Court of Bankruptcy is a place where debtors alone, before the court, are convinced of their inability to

pay, or that bankrupts are the only persons who feel the bitter fruits of speculation, over-trading, extravagance, or crime. Oh no! far from it; it often happens—too often—that those who lose their just debts through the folly of the bankrupt are those who suffer most.

We arrive at the summit of the staircase, and follow the multitude who are going to the commissioner who sits to-day, and we enter a large room, where a portion is railed off, and a seat high above the rest is that in which the commissioner is to dispense the law. In front of that seat is a small desk, and on it are some documents relating to the first case to come on for the day's proceedings; and, above all, there is the daily newspaper, which will not fail to take an active part in the history of the transactions to take place, if not actually on record in them, yet most indelibly impressed as to the supposed cause of what has been overlooked, or gone wrong by the uninitiated. When it is borne in mind that this newspaper has been the chief document consulted during the multifarious business which is about to take place, you will, I fear, draw the conclusion, that either the paper had no business there, or the commissioner would have been as well employed in reading it quietly at home. In the majority of cases the latter would be the more sensible course, as he has to sit there and look on whilst business is transacted about which he is not consulted, and which could have been much better done at the official assignee's or the solicitor's office. In front of the commissioner sits a gentleman called the registrar, whose duty is implied by his title, and whose hands are generally

pretty full during the court-hours. At his left sits the clerk to the official assignee, and generally at his right the assignee himself, who are there to receive proof of debts, attend to accounts, and answer questions generally relating to the bankrupt estate.

On the right-hand side is a box, called the witness-box, in which the bankrupt has to stand up, as also any witnesses who are to be examined. In front of the officials is a desk, for the use of the lawyers who may be concerned in the case; and behind, in a kind of High-Church pew, is the portion reserved for counsel, who, however, are not very much employed in these courts; and around and about where you can find standing room, is the space for witnesses, creditors, and the public; and at the further end, the desk of the messenger. The latter is the official who is put in charge of all property belonging to a bankrupt, as soon as the fiat is struck, and who enjoys the good things of this life to the extent of 1500*l.* or 2000*l.* a-year in exchange for his services.

We arrive at half-past ten, and find the commissioner sits at eleven, and we pass the intervening half-hour in listening to the discussions of the lawyers who are to support, and those who are to oppose,—in seeing debts proved, affidavits and accounts filed, and various matters of detail attended to. At last the clock strikes, and the worthy commissioner enters the court, and it is only right he should be punctual, for he will not sit, at the outside, more than three or four hours, and only does that occasionally. The chances are, that there is a squabble who shall have the first case, or there are some three or four attorneys wanting

to make special applications for some purpose or other, at the same moment. If before our worthy and dignified commissioner, no doubt all will go well, as the lawyers know it will not do ; but if, on the other hand, our magnetic friend be in the chair, the risks are, that we begin the day's business by a violent explosion, and the lawyer who gets well snubbed will, no doubt, snarl and wrangle for the rest of our sitting. As to how and to what an extent this may be carried out, I have only to refer you to the public papers.

At last we see the examination of a bankrupt fairly commenced, and his lawyer sitting near him, most carefully watching every word put by the opposing creditor, and asking for explanations either of the bankrupt or the party who has made out his accounts, so as to be ready to take off the edge of any unfavourable answer, by a correspondingly favourable question hereafter ; only occasionally objecting and protesting, &c., against certain questions, and sometimes kindly volunteering information to the opposite side, to explain an apparent contradiction or error. If the matter be of importance, or the person has occupied a prominent position, we may be interested with some "*facetiae*," such as, to an actor,—“ Did you consider yourself justified, when you knew you were utterly insolvent, in keeping a carriage-and-pair, and having footmen to wait on you ?” Answer : “ Yes, certainly, as it would have cost me and my wife more to have hired a carriage every night than to have kept one, and a carriage in our circumstances *was a necessary*. (The examination might have gone further, and disclosed the fact that the footmen were sheriff's officers in livery.) The chances are, that

whilst this is going on, the printed document referred to is being carefully perused by the worthy commissioner; and with the exception of now and then taking a note, he has become much better acquainted with the conduct of our troops at the late fight in New Zealand, or the last proclamation by the new King of Prussia, than he has with the real character and conduct of the party before him. Just fancy one of our judges trying a man for his life, and whilst the witnesses were being examined, reading the newspaper; or whilst they were sitting in what I think they call "Banco," each of them reading the leader in *The Times*, instead of listening to the leader at the bar! You will be disposed, I think, to say, "Yes, this is very bad; but what is all that hubbub, and passing of papers to and fro, and signing numbers of sheets of accounts? What has been going on? Why not attend to one thing calmly at a time?"

I hardly know how to answer you, except by saying that it is supposed all that has been done, through being transacted in the actual presence of the commissioner, has come under his observation; and what you refer to has been an audit of accounts in some other bankruptcy, and a proof of debts on three of those bankruptcies you see on the list. If you are about to suggest that it does not seem to you that the plan adopted of jumbling several matters into one appointment, and actually having three or four different transactions going on at the same time, is a very sensible one, I can only reply, *it exists*, and, in consequence of that and many other defects, the Court of Bankruptcy has, *as a test of character, become a nullity*, and the world is right in

judging, as a rule, by the mode which best suits its own interests, as the true standard is totally departed from—that the best test of a man's being worthy of future credit is the *largeness of the dividend he paid under his bankruptcy.*

I have said enough now, I think, of the defects of our present system of bankruptcy; but as they are law, it becomes me to tell my reader, if he should have need to go to the court, how and under what conditions he may make use of them.

A friend said to me, "Pray put a chapter on bankruptcy to your book, and advise a man never to submit to be arrested, but at once get the protection the law offers." I replied, "No; there may be many circumstances under which a man is not only justified in submitting to an arrest, if he has any chance of setting matters right afterwards; but for the sake of his family he is bound to suffer any temporary inconvenience or degradation for an ultimate good. Is not my own case—when, on one occasion, I was compelled to absent myself totally from my business for nearly three months, in consequence of the brutality of a creditor, and afterwards fully recovered my position—a striking instance of the benefits arising from a man's holding on, if he can, and the good which may be gained from his so doing?"

If, however, you have no certain hope of being able—either by the forbearance of your creditors, or by getting them to come to an arrangement to take a composition—of continuing your present position or enjoying your liberty, *having tried your utmost*, by every possible means, by yourself, your friends, your accountant, and

by your lawyer, to avoid the absolutely last resort, and finding it *quite* hopeless, then firmly, calmly, and happily make up your mind for the ordeal, and I will tell you how to do it.

Are your creditors, as a whole, disposed to be friendly? If so, and you have assets to the amount of 200%, you can go to the Court of Bankruptcy at any moment you please, taking 40% in your hands, 10% being for the stamp and 30% for the official assignee, and, on your proving to his satisfaction that you have property which will realise 200%, you then and there get protection for your property and person, and you retain your exact position in every sense of the word, and can carry on your business, the world at large knowing nothing has happened. If you have any executions, either against your property or person, the sheriff will necessarily find out what has taken place, as he is then harmless.

At the end of five or six weeks a meeting is called, and the offer you intend to make is submitted, and, on its acceptance by the majority of your creditors, you are able to effect, without expense, risk, or annoyance, the same object you would have done had every creditor come into an arrangement and left you in possession of your property when you called a meeting or asked for their consent. In other words, by this arrangement, which is called the *private arrangement*, you are able to effect what could not possibly be done in any other way without any publicity. No doubt my readers will think this a most convenient mode, and if it could only be safely carried out, doubtless the court would have full employment for its officers in attending

to this department alone. Although the advantages conferred may enable some men, who are not honestly disposed, to make away with their property, yet I think, with some modifications and further restrictions on that head, it might be generally adopted. It is a stern truth, however, even in bankruptcy matters, that all is not "gold which glitters," and however comfortable and private the plan stated may appear, in practice it seldom happens that a man is able to work through a private arrangement, and it generally drifts into a public bankruptcy. When you set sail all seems fair and smooth ; but as soon as you get fairly out of port you will find sunken rocks and quicksands in abundance. Here are some :—Any creditor may, and practically does, by an opposition, at once force the matter into open court. An act of bankruptcy, such as keeping out of the way, not paying a judgment debt, assigning all your property, &c., will send you there, to say nothing as to the consent of the creditors not being obtained. I advise you, however, to adopt this course, as it often happens that by so doing you are able to obtain the consent of your creditors to an arrangement, and settle with them in some way on far better terms than you could have done without getting that protection. You will also have the satisfaction of having done all in your power to avoid the bankruptcy, even if you ultimately come to that, and have the great advantage of protection for six weeks, and the chance of settlement in the meanwhile by your own efforts.

If, however, you are so surrounded with difficulties, or hostile creditors, as to render the private arrangement hopeless, go at once to the court and obtain your

protection ; or, in other words, declare yourself a bankrupt. You can do this now on showing that you have 150% of assets. This proceeding will cost you only 10%, but then the functionary who sits at the end of the court, called the messenger, immediately places himself in communication with you, and lays claim to all you have in the world, except 20% worth, for your creditors. In fact, you give up everything to the court, and it is the duty of the court at once to *realise all your property*, and thus turn your chairs and tables, as well as your stock in trade, into cash ; for cash they must and will have at this court, in some way or other.

All you get, therefore, is the protection of your person from arrest, and, in the event of a good sum being realised, an allowance in proportion, during the time you are going through the court, to keep you.

The first meeting is for the choice of trade-assignees and proof of debts ; and it is generally arranged by the bankrupt, if he is desirous of going through comfortably, that his friends shall come up and vote for two other friends, so that he may not have a hostile assignee appointed ; and even where everything is perfectly straightforward, it is much more pleasant to have a friendly creditor in office, than one who, by his position, is capable, if so disposed, of doing us an injury, and has many little opportunities of annoyance if he chooses to embrace them.

About a month after this you have to attend and pass your examination, when your accounts are submitted ; and if there is any opposition, or they are unsatisfactory, you go back, and come up about a month after for a last examination. If not then satisfactory,

you have another meeting at your own expense, to try and pass them ; and sometimes, when they are very bad, or there is fraud on the face of them, the examination is put off *sine die*, which practically means, until you choose to render proper accounts. Sometimes, however, defective accounts are passed, because better cannot be got or will not be rendered, and all questions are reserved for the certificate.

The time at which a bankrupt is to come up is usually announced in the *Gazette* three weeks beforehand, and if you have proved your debt, on giving three clear days' notice of opposition, you can attend and either question the bankrupt as to the conduct of which you complain, or give evidence yourself, or by witnesses, so as to prevent his obtaining it, or getting one of the lowest class, &c. But if the bankrupt is before our *magnetic friend*, I advise you on no consideration to attempt an opposition, if you really wish to punish the bankrupt, as it is ten to one but what it will have the effect of getting him one of the first-class.

Sometimes certificates are suspended for three or six months, with protection, which practically is the same thing as being granted at once, as the man is perfectly free, and able to commence business again forthwith. Sometimes, however, they are suspended without protection, which means, in four of the commissioners' courts, that if the man can safely get away from the court, he may go off to Paris and make himself comfortable for the time, at the end of which all will be well ; but in the fifth court, where our quiet friend presides, a few words are added, as follows,—“during which time he is to be available to his creditors,”

which practically means, instead of going to Paris for a holiday, he must go to prison to fill up the interval.

No notice whatever is given to creditors of the debtor's bankruptcy except in the *Gazette*, and persons often go through the court without their creditors knowing it or proving their debts.

I have represented your own action as to the Bankruptcy Court, but must now show you under what circumstances you may be made to go there against your own will.

Any creditor to whom you owe 50*l.*, any two 70*l.*, any three 100*l.*, may serve you with a notice in bankruptcy, requiring payment of the debt or debts; and immediately after, a summons may be taken out at the court, at a cost of 2*s.* 6*d.*, requiring you to attend, on a certain day, and show cause, to the satisfaction of the commissioner, why it is not paid. If you have a good defence to the claim, and can satisfy him, he will order the party summoning you to try the issue, and adjourn the summons until afterwards; or if he thinks there is no real defence, he may order you to give security for the debt and the costs of trying the action. In the event of your failing to do this, or to attend the hearing of the summons *personally*, the attorney on the other side, on the expiration of one hour from the time appointed, will ask the commissioner to note the fact; and if you fail to settle with your creditor within the next seven days, you will have committed an act of bankruptcy, which will be open to the world, and either that creditor, or any other, may, at any time within twelve months afterwards, make you a bankrupt. I hope this point may be modified in any

subsequent act, as it sometimes operates most unjustly. I was summoned, as described, by a person who had agreed to give me credit, and I was prepared to prove the terms of agreement. I handed the summons to my lawyer, who duly attended; but I forgot all about the matter, knowing the merits were all right, and went off on business into the country. On my return, two hours after the time appointed, I found the proceedings had gone on as described, and that I had no alternative but either to pay a debt not due, or submit to be made a bankrupt. I chose the former, and avoided it; but if I had not paid the money until the day after, I should still have been open to the same process from any of my creditors. The words are—“And every person who has given credit to any trader upon valuable consideration, for any sum payable at a certain time, which time shall not have arrived when such trader committed an act of bankruptcy, may so petition, or join in petitioning, whether he shall have had any security in writing for such sum or not.” In plainer words, the man who may, even under such circumstances as my own, related above, although he has settled with the creditor who caused the commitment of the act of bankruptcy, owe, say 1000*l.* on a freehold property, on which he has expended 5000*l.*, and made a stipulation that, so long as the interest is paid, the money may remain for seven years and cannot be called in, through a simple act of forgetfulness may be exposed to that man's going to the court and making him a bankrupt, although he afterwards does not choose to give up his security or take any further part in the matter. There is very much of

the wolf-and-lamb principle in this proceeding; and it is to be hoped that, as all laws should be made to confer the greatest possible amount of good on the largest portion of the community, and the least possible harm, such a gross opportunity of oppression may be removed.

An act of bankruptcy may also be committed by non-payment of a judgment-debt of 50*l*. within a given time named in such notice; by denying yourself to a creditor; by assignment of all debtor's property or conveyance thereof; by lying in prison twenty-one days; by payment of petitioning creditor's debt; by not appearing to summons of creditor; by admitting debt and not paying within seven days; and a variety of other technical terms, which have in principle been explained previously.

I trust, however, that the majority of my readers, and young men especially, who are not yet on the wrong side of the twenty shillings in the pound, will not have reason to make use of the above information; but if they should be so unfortunate, it is to be hoped that the certificates to be obtained by them will be then considered as true tests of character, and I heartily wish them all *first classes*.

INSOLVENCY

Next claims our attention. As I have a right to presume that many persons who may read these experiences will not be traders, or may be so for credit not exceeding 300*l*., it is only right I should point out briefly the course to be adopted, and give some short explanation of the modes of procedure.

Our insolvent laws were originally similar to those

now in force in France and some other countries,—that a man who was once caught and sent to prison could only obtain his release by payment of his creditor or obtaining his forgiveness. There was no such thing as getting what is commonly called whitewashed, or released by a process after arrest. A law was, however, passed many years since, allowing persons to present what is called a petition, and a proper authority was appointed to receive these documents, and certain set days fixed for going into the facts, and hearing the debtors' and creditors' view of the circumstances; and if it seemed a reasonable case, the commissioner was authorised to discharge the debtor; but if, on the contrary, it appeared that the detaining creditor's debt (the one who had put him in prison) had been fraudulently contracted, the debtor was sent back to prison for one, two, or three years. Even under this modified state of the law no possible release could be obtained without the degradation of arrest and imprisonment.

That very excellent man, Lord Brougham, however, devised a more merciful plan, and got an act passed, called the "Protection Act," by means of which any person being a trader, &c., not owing more than 300*l.*, or being out of trade owing any amount whatever, can come to the court and, for a trifling fee, obtain protection from arrest. A day is then fixed on which he has to come up, when any of his creditors may, without giving any notice, oppose his application; and if there be good grounds, the commissioner will withdraw the protection he has so far enjoyed. If, however, he is not opposed, he then files his accounts, and has to give every creditor notice, from 5*l.* upwards, of the day and

hour he will come up for examination. This proceeding of course opens the eyes of all his creditors, and reminds them of the insolvent's position, and very often induces them to oppose him for the sake of obtaining some arrangement as to payment of their debt. How strange that a proceeding of this very questionable nature is not only not discountenanced, but, where there is any prospect of payment, or chance of wringing any part of his income out of the debtor, is absolutely and on principle enforced in this court; whilst, in the Court of Bankruptcy, the man who would attempt to do such a thing would be considered as almost deserving of being indicted at the Old Bailey for trying to obtain money fraudulently. I have already said, in the first part of the chapter, that you are not, although protected, released from the slightest liability as to payment of your debts, *if you ever have the means of payment*; and whilst the theory of the Bankruptcy Court is, that you obtain a certificate of merit and become a free man, the utmost you can possibly hope for in the Insolvent Court is to

ESCAPE FROM ACTUAL PUNISHMENT.

Should you be so unfortunate as to be arrested, on no consideration stay, at a frightful expense, at what is called the Sponging-house, or go to Whitecross-street, or to any other prison; but get removed by *Capias* to the Queen's Bench, where you will have, at a moderate charge, rooms to yourself, and be in comparative privacy until the necessary steps are taken for your release.

I trust, however, that none of my readers will be compelled to have to undergo this very humiliating ordeal.

ADVICE TO BANKRUPTS AND INSOLVENTS.

I WAS much struck, some years since, to hear an excellent minister, with whom I was conversing, say, that in the present state of society and commerce he did not see any disgrace to a man or a Christian, if, with ordinary care on his part, he was overtaken by difficulties he could not control, and compelled to seek the protection our laws so wisely confer under such circumstances. On my stating that if such were unfortunately to be my case, I should never feel happy again until I had paid every one in full, and thus complied with the command, "Owe no man anything," and relating to him that a cousin of mine had, after twenty years' lapse of time, come into the possession of property, and left himself almost penniless because he felt this to be a plain command,—he replied : "I cannot think that applies to the present state of society. Our commercial transactions are totally different to the state of things in the time of the apostles. Now every man calculates more or less on making *bad debts*, and a number start in the race, knowing that some of them must fail of obtaining the prize ; and as every man trusts his fellow-men more or less, he does so making a full allowance for the risk he incurs." I then said, "But, surely, if a man ever after has the means, he ought, as a duty, to pay his creditors." This he denied, saying that the utmost he considered which could be asked of him was, that after having provided for his family, in the same way that he con-

templated when things were going on prosperously, before his failure, he might then, if he chose, pay the debts from which he had been legally released, by laws which had been framed expressly to meet the requirements of the present age; but he did not consider the Bible required him to do it even then.

My own opinion is totally contrary to this, and is shared, I think, by a large portion of the intellectual and high-minded of our commercial community; and is enforced, as far as it can well be, by the practice of our City companies and the Corporation rules, as in most cases a man is held to be disqualified, whatever his present position may be, for any office of honour or trust, if he has any outstanding debts or claims,—no matter when contracted,—which he has not fully paid. I do not for a moment say there is any legal obligation, or that he is bound to pay the first money he earns, or to prevent the chance of *properly* educating his family, or carrying on his business; but this I do say plainly, that as soon as a man who has been relieved of his difficulties, by the law preventing the creditor from oppressing him, is in a position to pay *without absolute injury to his business, it is a solemn duty, and only an honest act that he should do so.* In other words, if he have 5000*l.* to spare, and which he thinks he ought to invest for the benefit of his family, it is his duty as an honest man, if his family is young or totally unprovided for, to insure his life for that amount, and pay his creditors back the money belonging to them. Perhaps, however, you may be ready to say, “I should be only too glad to do so, if I ever had the chance; but now-a-days it seems almost impossible,

if a man once fails, for him afterwards to get a living, much less to make a fortune." To a great extent this is true, and we see too many instances of it ; and with the extreme publicity of our Bankruptcy Courts, Insolvent Courts, newspaper reports of cases, and the trade circulars and offices,—which, to a great extent, are *our commercial inquisitions*,—when a man has once been down, it is next to impossible for him again to rise at all, and particularly to a high position in life.

There are a very few remarkable exceptions to this rule, where persons have been known and trusted again for their integrity ; and it is worth remembering, that truth and fairness in your dealings are the best recommendations you can have to begin the world again with.

As some assistance to persons who may be in this situation, I would suggest the following points as worth consideration.

As a rule, the fact of your being unsuccessful in business *proves you unfitted* to be in business, and therefore it becomes you seriously to consider whether you could not do better in a situation where you would be free from anxiety and liability.

Your failure in business with a supposed capital, and what is more, an *unsullied* reputation, not having enabled you to succeed, is it likely you can now, when everything will be against you ?

The father of our present Rothschild said he did not despise men who had been unfortunate, but he always made it a rule to have no dealings with them—there was a something about them which made him uncomfortable ; and although I have heard it said, that a man would rather trust another who had been

unfortunate, than one who had not, because the former would know the value of caution in his transactions, all the world will testify to the *practice* being quite the contrary ; as it is no sooner known to a man—who may have the highest opinion of you, and with whom your dealings have been for years most satisfactory—that you were, ten years before, a bankrupt or compounded, than the confidence vanishes, and an uncomfortable feeling takes its place. I must say my opinion is the old-fashioned one, *that what a man has done once, he may, and most likely will, do again* ; and although it is too much to say that we do not profit by experience, yet I should feel more comfortable in trusting a man who had not failed, than one who had, particularly if he had been in business any length of time.

Many persons imagine anything can be done in such an enormous place as London, and some clever country sharpers have tried the experiment of doing the public at different parts of it ; but they have to a great extent failed of late, as almost every commercial black act is as carefully registered, and the author as well known, as our household words.

To carry on business successfully in London, you must remember that you live in a house of glass, and you must take care that you do no act which is contrary to sound commercial principles. It is very different in the country.

I will illustrate this :—

A friend told me a short time since he had just had a meeting of creditors for a man from one of the midland towns, in the upholstery and cabinet trade, being

the fifteenth meeting for composition that man had called since he began business thirty years before ; and that he generally got through quite easily, as he always paid about seven-and-sixpence in the pound down through a friend. On my expressing my astonishment that such a man could get any credit, he said, " Oh, he told me how that was, and if you were to go down to the town and ask about him, everyone would say he was excellent pay, and did a good business ; and more than that, no doubt he had money, and they never heard of anyone asking him twice for an account, *as he always paid everything in the town promptly and liberally.*" It seems, however, that on a fresh traveller calling on him for orders, he at first very reluctantly gave a small order, and on the next journey paid for it, and gave a larger one, and so on, until he got in as far as possible, and then called a *meeting in London, and paid down the composition.* On its being suggested to him, " But surely these wholesale men tell one another," he replied, " They are not such fools ; they have quite enough to put up with in the loss, without inviting ridicule."

I can confidently say, this cool scoundrel's career would have ended on the first stoppage, or at most the second, had he been in London, as it was only recently a clerk from Perry's came to ask me the present position of a merchant having offices in the same house as my own ; and on my inquiring his reasons, he said that, as they had a note in their books of his having compounded fifteen years ago, he wanted to know from me how he stood now.

An intimate friend of mine was unjustly sued some time since ; but finding it likely he would be compelled

to pay, he handed the money to his attorney, who took out a summons to stop the proceedings on payment of the debt and costs. The usual order was made (another illustration of the wretched system of our present law, that a man cannot even pay all that is claimed without several extra costs); and, solely to increase expenses, the unprincipled lawyer *filed it*, although the money was then and there paid. This was duly printed, three days after, in the "trade circulars;" and my friend, the next time he went to the wholesale houses, was asked to explain why he had given a preference to any of his creditors, and his good name was seriously injured in consequence.

Let any man, even with good references, go and try to open an account with a London house; and, if he has anything against him, although they will appear to accept his order, he will, before he gets any goods, if the parties are only reasonably careful, be asked for cash or security.

It is extremely difficult for any person who has failed in London ever again to obtain credit to any large amount; and, unless he be a man of unparalleled perseverance, I advise him strongly either to get a situation or emigrate to one of our colonies, where there will be fair room for his energies, and no black book to refer to, and where all will depend on his own industry, and, more than all this, where one-third the same amount of toil will make his fortune, while here his utmost efforts will hardly enable him to keep his head above water.

PRACTICAL ADVICE

AND

ILLUSTRATIONS.

I FEEL that many of my readers may say, after a perusal of the foregoing chapters, that although very good and practical in their way, yet that there is not sufficient material to make them of much real use in the every-day concerns of life, as references. A friend very jocularly observed to me, after reading one of the chapters a few days since, "Well, no man who had not actually experienced what is stated here could write as you do about it ; but you should add more of your actual experiences, and give your advice more unsparingly, and in a thoroughly practical shape, so that all may understand." This remark from an intelligent man, and above all a lawyer, led me to reflect, "Well, perhaps it would be possible so to illustrate the various chapters as to make the book of service as a *work of reference*. If I succeed in supplying a few short pieces of advice on some of the subjects, so as to save my readers from any loss or anxiety, and above all, enable

them, in cases of difficulty, by a little reflection, to determine for themselves *what can be done, or what is best to be done*, I shall be amply compensated for the extra toil the addition to what I had intended as my first literary production entails." I hope my readers will not deem me vain when I say, that this resolution was strengthened, immediately after it was arrived at, through my calling on a friend, who, on our way home, visited his lawyer; and in discussing the desirableness of attaching some money due to him by a process in the Lord Mayor's Court, was informed that if he did so, he would have to pay the expense on his own side, even if he recovered the amount. I quietly asked whether he had obtained a judgment; and on being informed that he had, suggested an attachment under the Common Law Procedure Act, in which case he *could recover his costs*, and which the lawyer readily admitted, and my friend, of course, ordered to be done. But for this simple hint on my part, my friend would, in all probability, have had to spend 20*l.* or 30*l.*, which he could not recover back, to get what was due to him, through a want of thought on the part of his legal adviser. I cannot, of course, expect for a moment to be able to give such advice as will dispense with lawyers altogether (although I most heartily wish it were possible), or enable you to obtain all the information you require on all the subjects treated of in this book; but if the work proves acceptable to the public, I will try to throw all the light on them that my means or influence can possibly obtain, in an enlarged edition at some future time.

SELECTION OF A BUSINESS.

I HAVE pointed out the desirableness of giving our children a trade, and no doubt many of my readers will say, "What you state is very good, we admit, but show us how to do it;" or they may say, "We cannot afford to apprentice all our boys; and besides, we must put them to some calling where they can be making immediate return. Our means are limited. They, in plain English, must do something to help to keep themselves at once, as we cannot afford to keep them any longer."

I have already said you must always be self-denying and make sacrifices, to enable you to accomplish an important object; and I might almost go further, and say, that this is a law of our existence; and to enable your sons to obtain a knowledge of any business, they must, *as a rule* for a time, be content to make a sacrifice. "Theory still," my readers will say. Yes, but if you can afford to provide the means for payment of a premium, or what is equivalent to it, keep your sons for one, two, or three years, and clothe them until they have obtained such knowledge of the business as will enable them to obtain some remuneration, it is your duty to do it. If, however, your means are so restricted that you cannot do this, and it becomes a vital question as to getting rid of the expense at once, I will endeavour to give you some practical information to enable you to do so.

Under the first description I consider the fathers of well-to-do merchants, lawyers, clergymen, trad-

men, and persons in lucrative situations, such as chief clerks, confidential managers, editors, &c., who have more sons than they can possibly hope will be able to obtain a livelihood, if they all follow the calling they themselves pursue.

If you have not unfitted your sons for it, by bringing them up with high notions, engineering, architecture, farming, chemistry, manufactures, and commerce are open to you, and you have only to take your choice in putting them to a business, on payment of a premium, sometimes as high as 1,000*l.*, or getting them into a good house on giving their services gratis for a few years ; but if you are not very careful, you will find your sons, at the end of the time, *having been treated as gentlemen*, most inefficient and supremely conceited. Take care that, whether there be a premium or not, your sons begin at the bottom of the tree of life and *work* their way upwards, instead of jumping to the top through the assistance your gold has rendered.

There is the same difference in becoming practically acquainted with any business or calling, and superficially, as there is between the ability of the youth who works out and understands all his exercises, and the one who has a key and simply copies them. Am I to go farther and advise you what calling is the best? To a great extent, your own station and connexion, and the *ultimate prospects* of the youth, should decide this. Treated simply as an open question, I say engineering, architecture, and manufactures first, then farming and any wholesale trade where there is an unfailing demand, shipping brokerages, and commission business gene-

rally ; the pursuit of the law, which is unfortunately still a good calling for the principal, although a bad one for the subordinates and the holy cause of religion, which, as a rule, is not a lucrative pursuit, and one no person, unless deeply impressed with the solemn importance of the subject, and earnestly anxious for the spread of the Gospel, should attempt to follow. For younger sons of good families to be put into the holy service of Christ's Church, simply with a view to obtain a *provision for them*, is a practice, I am thankful to say, going very much out of use, and one which the growing intelligence and piety of the country will, no doubt, eventually entirely eradicate. I trust, therefore, that my readers will understand that my advice is only intended to apply to those sons whose hearts may have been regenerated by God's grace, and who may feel an inward *inclination* towards the ministry, whether it be in or out of the Establishment.

The second class are those who must turn to account the productive powers of their children at the earliest possible moment, and are therefore compelled to put them to some simple business, where skill, beyond that of being able to write and add up well, is not required. How thankful would hundreds of such parents be if they could only have the advantages for their sons which, in many parishes, the poorest children are, by the benefactions of our forefathers, the recipients of; viz., being apprenticed to a trade, free of all cost to the parent. Here, however, the respectability of the parties, although in many cases their means are extremely limited, prevents their being able to avail themselves, even if they were willing to stoop so low and could

succed, of the same advantages as their poorer brethren. "What am I to do with my son?" is not only the anxious prayer of thousands of parents with limited means, but their ever-present cause of uneasiness. They know well enough that unless their energies are employed, and actively too, the moment they leave school, Dr. Watts' lines, "*Satan finds some mischief still for idle hands to do,*" will necessarily be realised.

Is your son strong and healthy? if so put him to a suitable calling, such as a carpenter, engineer, cabinet-maker, and wholesale and retail trades in the eating, clothing, or shipping lines, &c. If weakly, or disposed to be studious, to a lawyer, as a clerk in any house, as a draper's assistant, reporter, traveller, minister, the medical profession, &c.

But you will say, how am I to accomplish even this? I answer, by being content to let your sons go through the drudgery, beginning even as errand-boys, if you cannot get a better position for them at first, and letting them feel that, if they ever rise in the world, it will be by the force of their own industry and perseverance. Many boys learn trades in this way, and are always the better for it in after-life.

ENTERING INTO BUSINESS.

ONE of the greatest mistakes of the present day is the generally prevailing impression that it is so much more respectable and independent, and every way desirable a thing, to be a master, or, as our *employées* call us, a 'governor,' than a clerk, salesman, or in any other

capacity where we have no real risk, but have to conform to certain, although not by any means oppressive regulations. Depend upon it, the only truly happy man, except either a rich man or an independent one, is the placeman. I was once in a Government appointment, and I know I have never been so thoroughly independent and free as I was then. If for no other reasons, the absence of all RISK and *real* anxiety enables you, to say nothing of the certainty of your income, to *realise* what no man in business ever possesses. We have all heard of men being foolish enough to give up good situations to go to the gold-fields, and even recently to join a Garibaldi expedition, but we seldom hear of their improving their positions in consequence. I would say to every young man who thinks of entering into a *new business*, and hopes to be able to establish one, "Think well before you make the attempt, and let the fact, that you are now doing comfortably, and are able to keep yourself and family respectable, have its proper weight, before you venture upon the uncertain sea of commerce on your own account." I know a man who gave up a permanent situation of 1000*l.* a-year to join another person in establishing a business, and I do not believe he has realised more than half that sum since, and has been for nearly the whole time immersed in the greatest anxieties also. To purchase an established business, where you know pretty well what is to be expected, is one thing; but to have to spend, in order to form a business, all your means, and perhaps all you can borrow from your friends, is quite another. Anxiety and uncertainty are mortal enemies to peace and happiness; and if you are not

content with the latter when you have them, you will soon realise the former if you attempt to go into business without something like a *certainly that you must do well.*

CONDUCTING YOUR BUSINESS.

As on the way in which this is done—supposing you to keep your own personal and relative expenses at a reasonable sum—depends entirely your success in life, I will attempt to give some practical illustrations, in addition to the rules previously laid down. We have already seen—under the head of Bankruptcy and Insolvency—the importance of being always able to pay in full, and the danger we incur in being placed at the mercy of any man ; and I would therefore observe, *that a man* of business should be most careful not to go beyond his means, as he thereby not only incurs the risk of losing his money, but the far greater one of being stopped or ruined at any moment. I have a friend who put himself in this position, and was brought up suddenly ; and although his estate paid seventeen shillings and sixpence in the pound, he has been unable to make his way since. A horse which has once been down is not worth half the money he was before, and many persons would not have anything to do with him on any consideration ; and a man who has once failed occupies exactly the same position. If there is one thing more than another I am anxious about in writing this book, it is, that persons in business should be able so to conduct their business and themselves as always to be free and respected.

1st,—The advantage given by candour and straightforwardness in business is immense. When you look at some men, or hear them speak, you at once say, that is a man in whom I could place confidence; and I remember a high compliment being paid me a few years since, by a City merchant, on this subject, on his informing me that some person had made a communication to him for the purpose of injuring my character. On the contrary, I could refer you to a man who is my own tenant, and who never *looks any one in the face*, and who is spoken of as a *dark man*; and another, whose face much resembles a snake's, and who, whilst he tries to look at you, fails to do so fully. The latter not long since swindled me out of 70*l.*, and the former has been guilty of the most underhand and shuffling tricks. I think I may safely prophesy of the first, that he will eventually find his way to Newgate; and of the latter, that sooner or later he will be found an unfaithful servant.

As to profits, the mere attempt to ask a different price to what you are prepared to take is most injurious, both morally and in a business view, as, the instant it is found out, you have no end of bantering and bartering to get at the *very lowest price*, and all confidence in you vanishes. I always, where I do not know the exact value of an article, or the character of the tradesman, try to beat the price down, as it is called, and if I succeed I never again enter that shop; but if I fail, continue my custom. It is bad policy, in every sense of the word, to take less than your price; but that price should, to ensure a ready sale, be a fair one.

2nd,—As to telling the truth, it hardly seems consistent with one's idea of manhood to say that it is necessary it should be done. I know that, in the present state of our trade and commerce, deception is carried on to an enormous amount; and not only are articles warranted for what they are not, but that often they are adulterated to a fearful and most injurious extent. What could that dark-coloured fluid have been, which the man was recently detected in, and had up at the police-office for, putting in his milk? How a conscientious, honest, or sensible man of business can condescend to tell lies, either about his goods, or sell lies in goods represented to be what they are not, I cannot imagine.

3rd,—Plain figures save much trouble, and are a great satisfaction to buyers.

4th,—No person is clever enough to know the quality or value of every article he purchases; but in the multitude of counsellors there is wisdom, and some of his friends are sure to know both; and if you have imposed upon a customer, in either respect, your name will soon be known and avoided.

5th,—If persons in business would only reflect now and then, how many openings would they discover occurring, at intervals during the year, in which they might, without loss, either enable the parties they employ to have a little relaxation, or assist them by giving them opportunities of bettering their condition, or earning something extra! I know many employers who, as a rule, give all their men and clerks a holiday in the summer, and go into the country and dine with them and join in the sports of the day,

whilst others prefer giving them a small sum and the opportunity of taking their families with them.

6th,—It is really extraordinary to what extent *men* will go in endeavouring to make a rapid fortune, or to raise themselves in the world so as to be looked up to. I know one man, who is doing a very good business, but who has vowed to make a fortune of 50,000*l.* within the next ten years, and who so thoroughly makes a god of his business, that, when Sunday comes, he either lies in bed or on the sofa, all day, utterly prostrated. There can be no question but that his life will be the price of his making a fortune; but even were this not the case, how foolish and absurd that the short span of this existence, *which we are sent here to enjoy*, should be consumed in scraping together riches which so soon take to themselves wings and flee away, and which those who gather them do not, and cannot, live to appreciate! I have heard men say that their pleasure and happiness consisted in the getting, and was greater than that enjoyed by those who spent what they earned; but, if they really believed what they stated, their notions of pleasure or happiness must have been very contracted. As to attempting to be more than our fathers were, we all know of many cases where the ladder of fame and fortune has broken just before the vain aspirant mounted the last round, on which his earnest hopes and longing eyes had been so long fixed. I have a neighbour close by who has risen from a very inferior position; and it is most ridiculous to observe the attempts he makes to be considered a man of property, and to have his family admitted on terms of equality with others who have all their lives

occupied the same position in which they now stand. Happiness does not consist in riding in a carriage and pair, and making a great show; but in *a man's own consciousness of right, and the cultivation of the domestic virtues*. Many persons chafe away the very cream of their existence in the vain attempt to equal those who are above them, and feel most keenly every supposed slight and coolness, which effectually embitters their existence, when they might have been truly happy in the cultivation of those friendships and kindnesses for which alone they are truly fitted. This is painfully felt in cases where there has been an absence of proper education, and is generally experienced by the superior mind, in at least an equal degree to the inferior. I remember, when an apprentice, endeavouring to speak fine, on one occasion, to a relative of great intelligence I made a grammatical blunder, which she kindly corrected; but the extreme humiliation I felt, no one can conceive, and, after twenty years, I almost feel my face burn at the recollection of the circumstance. What must be the constant annoyance to those who are always tumbling into some blunder or other in the presence of their superiors, and who sometimes not only improperly pronounce the names of French dishes on the table, but tell the servants to "take them there *vegetables* away," and rather coarsely remind them that they had given orders that they "would not have no more of them this season!"

Lesson: Be content to move in the sphere for which you are fitted, and where you are appreciated; and do not try to mount above it, with the absolute certainty staring you in the face that you

must be unappreciated, even if not miserable, should you succeed.

7th,—The greater part of the litigation in the world would be saved if persons made it a rule only to have transactions in writing. Very many cases arise from misunderstanding the terms, and others occur from seeking to take advantage, because there is nothing to show the contrary in black and white. I will undertake to say, thousands of transactions take place daily which result in a misunderstanding, in some cases wilful, which never could have occurred, or dared not have been attempted, had the terms been in writing. We naturally look to our own interests, and, if there is a chance, too often carry out what promotes them, in preference to the higher and more honourable course. Shall I illustrate this in the case of a man agreeing to purchase stock or merchandise, &c., when, on an unfavourable change taking place in the market, the party “cries off his bargain,” as it is called, and leaves his broker or merchant in a fix? I know, as a *rule*, such conduct is discountenanced; but as it is no uncommon thing for men in business to be ruined in consequence of such conduct, and in some cases the law does not allow the sufferer a remedy, be his client or customer even a Rothschild,—and as I had a cousin, a stockbroker, who was entirely ruined by the default of his principal,—I am justified in saying to my young tradesman,

HAVE EVERY ORDER, IF POSSIBLE, IN BLACK AND WHITE

8th,—It is a generally received opinion in the commercial world that diaries are only intended for lawyers, barristers, physicians, or clergymen, and are

not necessary articles for a man in business, as his day-book and ledger are to him what the diary is to the professional class. Some even go so far as to imagine that a diary necessarily refers to a history of our feelings and private matters, and the publication of the diaries of physicians, clergymen, and others, at first sight confirms this supposition. I never remember having heard of the diary of a *tradesman*, and although, perhaps, at some future day, some *model tradesman* may think it worth his while to publish one for the benefit of his fellow men, I can only say it will have to consist of far less painful matter, and far better experiences of the goodness of *trading human nature*, than my past diaries have contained, to make it either acceptable or beneficial. I have a friend in a large way of business, who, whenever any question arose, or there was a chance for a joke, always said to me, "Perhaps you will find something about it in your diary," or "You had better put that down in your diary;" but in consequence of finding the important points of any transaction always recorded, he has, at last, come to the conclusion that it will be *beneficial to him* to keep a diary. Many men are positively afraid of a person in business who keeps a diary, and others who know you keep one are more particular how they attempt to alter an arrangement or break through an engagement. I hope my readers will not, for a moment, suppose that I recommend them to put down every event which occurs during the day, but only those which it is important to refer to at any future time. My own entries are very brief, and if you look to the *important points only*, you will find five minutes a day ample time to note

down all that it is desirable for you to preserve, and a little practice will enable you to compress the whole facts into a very few lines.

9th,—It will be of advantage to a young tradesman occasionally to visit some of our large establishments, if he has not been brought up in one of them, and to observe the machine-like regularity with which the whole business is carried on. Even in the largest business there is no occasion for noise, bustle, and excitement, if order be only the rule of the house; and where system is enforced, much more business is got through than could possibly be done in a similar establishment where it is not. I have had striking illustrations of this in my clerks and servants, and have always found that it is not the fussy, bustling, wonderfully busy man who gets through the business, but the quiet, orderly, keep-on man, if I may so express it, who is the real man to be depended upon. I remember hearing of two farming men my father-in-law employed, who, when they set to work mowing or reaping, illustrated this proposition. The one, as my quaint father would say, on commencing, would “rend the earth up,” whilst the other quietly, but systematically and continuously, went on with his work, and, at the close of the day, was found to be the really good workman, who had done his work best, and accomplished most.

10th,—It is important that a principal occasionally inspect accounts and invoices, and a small tradesman ought carefully to examine every item and mark the bill or invoice, as examined, so that any further trouble becomes unnecessary. I have no doubt,

as a rule, most men point out errors, even if in the favour of those they do business with ; but it is a sad fact that there are many large houses who take any petty advantage which lies in their power, and always put the measurement or weight of the goods on their own side. It is also a disgrace to many other houses that they *will take the advantage wherever it is possible*, and I have frequently known and experienced it. Perhaps one of the most common cases is that of refusing to give the full trade-discount to a fresh hand whom you may send, or to allow any, although a known rule, unless perseveringly insisted on. Charging a different price to your porter to what they would attempt to ask you is a very common occurrence.

11th,—I may observe here, that it is hopeless to attempt to get comfortably through the day's business unless you begin early, and equally so unless you strictly clear up one matter before you commence another.

12th,—You will find, as a rule, that it is better not to attempt to execute an order unless you can do so correctly, or, in other words, unless you are able to supply the very article which is required. "No doubt this will do," is a very poor way of executing a customer's order. If a man orders of you a best Brussels carpet, he does not mean a second quality, or a tapestry ; and, if you attempt to pass off a lower quality than was ordered, sooner or later the fact will come out. Of course the same remark applies to every article of clothing, food, furniture, &c. One of the greatest recommendations a tradesman can have, and the very highest next to truth and honesty, is, that he attends promptly to the orders he receives. I have heard men's

goods and workmanship highly spoken of, as well as their charges ; but it has often occurred at the same time that the party who praised added, “ but we find it impossible to deal with him, as he keeps our orders so long on hand.”

13th,—As to spending money on pleasures, or living beyond our means, I know the majority of my readers will read what I have to say, and care no more about the matter, but continue their old course, to find out at last *that the occasional indulgence in an extravagance*, in the course of time, entails a large expenditure, and results in inducing habits which eventually bring about absolute failure or ruin. I would therefore say, if you have any pretensions to the character of an honest man, that it is a sacred duty incumbent upon you, *as a man of business, to live within compass* ; and if I only succeed in leading one of my readers to act upon this principle, this book will not have been published in vain. I was much struck with the effect the rules I here laid down had upon an extravagant professional friend, to whom I showed the proof of the chapter on Housekeeping a few days ago ; and he has informed me since, that he is now determined to give up his “pleasure expenses,” which cost him a hundred a-year, until he has worked his way out of his present difficulties. I am sure excitement is not real happiness, and if persons would only bring themselves to think seriously upon the subject, *there is far greater real pleasure and satisfaction to be found at home, than can possibly be enjoyed in the ball-room, or at the theatre, concert, or opera.*

14th,—Perhaps my readers may think it is im-

possible to be certain that every transaction is a safe one, and that is clearly and undoubtedly true; but there are many operations in business about which, when we are tempted to enter upon them, we feel a consciousness that we do not see clearly that they are trustworthy or safe. I do not for a moment refer to *speculations* as such, but to actual trade-transactions. For instance, I recently lent my managing clerk 22*l.*, to take up a bill drawn on his aunt and mother, whom I had known for some years as respectable persons; but at the time I did it a sort of inward consciousness told me, "there will be some trouble to you about that matter, and it was foolish for you to have done it;" and so it has turned out.

You are asked to join a company about to be formed, and great hopes are held out as to the ultimate advantages to be derived. *This is a risk*—do not take it. A friend of mine was induced, a short time since, to take some shares in a limited liability company, with a view of getting his trade-bills discounted. On becoming a shareholder, he not only had to part with the money for the shares, but had a large amount of bills kept in hand by the company for a long period, for which he got no consideration; and has since, owing to the winding-up of the company, been made a contributory to a large amount, to make good the losses incurred by their trading before he was induced to join them.

Never take a risk, as such, knowingly, for the sake of doing business.

15th,—The fact that a man's business-connexions usually determine his status in society is well known,

and even, as I have said, the mere circumstance of your being seen to speak to some parties may give the world a very unfavourable opinion of you. I was excessively annoyed very recently, on coming out of the railway-station, at being accosted by a low Jew lawyer, whom I have on several occasions attempted to insult, but to no purpose, as he has not the common sense to see that his company is detestable, and being pressed to ride over the bridge in his Hansom cab with him. I must say I would rather crawl over on all-fours, than be seen by any one who knew me in such company.

16th,—To suppose that a man is not at liberty to buy at the greatest possible advantage, as a rule, would be absurd; but there are many cases which arise in the course of business, where it is a duty incumbent upon us to assist a man rather than take an advantage of him. To beat down a poor starving mechanic or poor tradesman who brings his goods to you for sale—and such goods as you know are suitable,—or for you, because it is late on Saturday night, or you know there is no place where he can get the money immediately for them, and that unless he does he cannot get his family a Sunday dinner,—under such circumstances to offer him half of what they are fairly worth, is not only a sin, but a crime against the community at large. If you want to know whether this is ever done, I refer you to the furniture trade, and the poor half-starved little masters who make up goods, and then take them round to the upholsterers and wholesale cabinet-makers for sale. Some houses in that trade are known as “slaughter-houses,” and the poor little makers never go to them until they have exhausted every other hope,

and are compelled to make a sacrifice. That it is done on a much larger scale by bankers, money-lenders, and sharp bill-brokers, and wholesale men in all departments, where an immediate realisation is absolutely necessary, is well known. I know of one miserable rich man, who had always 100,000*l.* at his command, and who for years used to make it his boast, when he went on the Exchange, that he was the man for *burnt offerings and sacrifices*, and was accustomed to say, "Whoever wants cash and must have it, let him come to me and I will supply him." This vile and impious wretch only spoke out coarsely and brutally the principles which too often our *sharp men of business* practise in their dealings with their fellow-men, when they are pressed, or must make up money on an emergency.

17th,—Too many men of business seem to act as though they considered that everything must give way to their own interests, and the furtherance of their own schemes of aggrandisement, whilst they appear totally to forget the claims of their families, the duty they owe to their connexions and the world at large, and the great object of existence itself—that of being a season of probation and preparation for a future state—to say nothing of the necessity of doing all in their power to ameliorate the sufferings and misery which too frequently surround us all in a greater or less degree.

18th,—Almost every tradesman will consent to my proposition as to stock-taking ; but that is only a minor part of the process I want adopted, and usually occurs but once a-year. I know it would be extremely inconvenient to take stock every week ; but it is possible for the principal, by proper arrangement, to keep

a private ledger, and have a private weekly or monthly balance-sheet of his own, totally independent of the large books of the firm, and thus be enabled to keep a vigilant eye over all, as well as know exactly at all times how he stands. For instance, I have a brother who has carried on business at twelve or thirteen different places at the same time, and yet his accounts were so managed that he knew exactly every night what had been done. And I know of a gentleman living in one of the midland counties, who has four very large establishments, all of different kinds, which are so admirably conducted that, with the assistance of a secretary at his own house, he not only knows all, and directs all, and frequently visits all his places, but finds time to hunt two or three days in the week; and yet it would be impossible for you to ask him any question as to his accounts or businesses which he could not at once satisfactorily answer by a reference to his *pocket ledger*.

19th,—Whatever business men may say to the contrary, except in the case of large firms, where a rule is positively laid down and rigidly abided by, we are all too apt to trust others; and it is as natural to us to be confiding as it is to breathe. Where, however, it is possible for us to be injured, and particularly in a pecuniary way, we must not only be on our guard against over-confidence, but *secure ourselves from all loss by providing for its abuse*. That man who is compelled to find security for any moneys passing through his hands has a safeguard placed about him, through the fact that any dishonest conduct on his part would not only ruin his character, but also

greatly injure his friends, and perhaps ruin them also. I remember once hearing a friend say, in reference to some security he was about to take, when being expostulated with by the borrower for insisting on more than was actually necessary, "I will not do it without the security of your father, as I know enough of human nature to tell me that a man may sometimes do an act forgetful of his own and his wife's and children's interests; but if he feels that he will bring down his parent's grey hairs with sorrow to the grave, he will be very careful what he does."

I am quite certain that not one of the persons who have abused the confidence placed in them by me would have done so had they felt that their parents or intimate friends would have become the sufferers. If it is objected that, by insisting on this rule, we should shut out many deserving persons from employment, I deny it, as through our guarantee societies persons of good character may now get security for any amount for a small annual premium.

GUARANTEE FOR PAYMENT OF GOODS TO BE SUPPLIED.

I hereby guarantee the payment to Mr. A. B., &c., for such goods as he may supply to John Brown, of &c., not exceeding the amount of £ ; but this is not intended as a continuing guarantee, but only for the supply of goods now ordered to the above amount.

Dated this

18 .

GUARANTEE FOR DEBT ALREADY DUE, TO PREVENT LEGAL PROCEEDINGS AND EXPENSES.

Mr. A. B. having, at my request, agreed to forego proceedings he was intending to take against Mr. C. D., of , to enforce

payment of £ due to him, I hereby guarantee the payment to him of that sum within weeks.

Dated, &c.

GUARANTEE FOR FIDELITY OF PERSON IN TRUST.

Know all men by these presents, that I, A. B., of am held and firmly bound unto C. D., of , in the sum of pounds, of lawful money of Great Britain, be paid to the said C. D., or his certain attorney, executors, administrators, or assigns; for which payment to be well and truly made I bind myself, my heirs, executors, administrators and every of them, firmly by these presents. Sealed with my seal Dated this day of , in the year of the reign of our sovereign lady Victoria, of Great Britain and Ireland, defender of the faith, and in the year of our Lord one thousand eight hundred and

Whereas the above-named C. D. has agreed to admit E. into his service as clerk, and to retain and continue him in such service (subject to the determination of the agreement, on

notice by either party), on his obtaining one or more respectable persons to become security for his duly and faithfully accounting to him, the said C. D., in manner hereinbefore mentioned, and for his faithful and honest conduct during the time of his continuance in service of the said C. D.; and the said A. B. has, at the request of the said E. F., agreed to become such surety, and has, for that purpose, executed the above written bond or obligation.

Now, the condition of the above written obligation is such that, if the said E. F. shall and do, from time to time, and at times, well and satisfactorily account for, and pay over, and deliver to the said C. D. all and every sum and sums of money and securities for goods, money, and effects whatsoever, which the said E. F., shall receive for his use, or which shall, at any time, be entrusted to his care, and do not at any time embezzle or make away with any such money, &c., then and in such case the above written obligation to be void, otherwise to remain in full force. Provided always, and it is hereby declared, that

said A. B. is not to be, nor are his executors or administrators to be, liable for more than pounds, parcel of the said sum of pounds meant in the said written bond or obligation. Provided also, the said A. B. shall be at liberty to put an end to his liability on the above bond, on giving months' notice, in writing, of his intention so to do.

20th,—Care in giving credit has been glanced at under the fourteenth division ; but it is as well to add a few words as to foreigners. I am not prejudiced against foreigners ; but, as a simple matter of fact, it is not so safe to trust them as our own countrymen. One reason is, because they are birds of passage, and can readily and naturally fly back to their own country. Another is, that they are usually adventurers ; but the greatest of all is, that their moral principle is unsound, taken as a whole ; and their great *cunning* is too much for a man of ordinary intelligence to cope with. My own experience is, that these people are greatly on the increase ; and since we have become, through the marriage of our Queen, more intimately connected with the "Fatherland," we are getting perfectly inundated by the importation of its surplus population. As the majority of those to whom this remark applies are, however, intellectual young men, and simply do what their forefathers did, although in a civil instead of warlike style—oust the aborigines from their comfortable locations (by taking their places at lower salaries, as foreign corresponding clerks, &c.),—although my remarks under the two first descriptions will apply to them, it is more specifically in reference to the trading foreigners I would have you on your guard. I will undertake to say, that any one of these sharp fellows knows more about our laws than twenty of our ordinary

business men ; and although, on your asking them to put their names to a bill, or find you some security, they will profess the most lamb-like innocence of our laws and customs, and on that account refuse to do anything which can readily place them in their reach, if you only carefully watch their proceedings you will find them sail most marvellously close to the wind in their transactions, and you will only be able to account for their apparently hair-breadth escapes from the clutches of our criminal law, by supposing them to be advised constantly in every transaction, as a body, by some special pleader or Old Bailey barrister.

I once let a house to a foreigner, who paid me a quarter's rent in advance, gave good references, and agreed to keep the rent paid in advance during his tenancy ; and although I lived next door but two, that fellow actually lived in my house rent-free for twelve months afterwards, and succeeded by stealth in getting out a chair or single article at a time, in the middle of the night ; and when all was removed, sent me the key of an empty house through the Parcels Delivery Company, at the expense of 4*d.* for the carriage. Another got into one of my houses and wanted me to give him a good round sum for giving up possession, or he threatened to tear the place to pieces. A third wanted credit, and on my offering to give it if he accepted a bill, he said, "Oh, no! my friends advise me not to put my name on a bill under any circumstances."

In my business transactions, I say, give me first, chiefly, and always, if possible, an Englishman, for he is, as a rule, honest, liberal, and straightforward ; next, an Irishman, of *means*, for he is really made of the

right metal, although he is generally extravagant, and lives beyond his income ; thirdly, a Scotchman, who, although he is “ *downy* ” and close, and does not intend you shall get much out of him, is usually safe ; and, lastly, as little of foreigners as possible, and that little to be *done under some absolute assurance of security.*

21st,—I hope the advice given under this head will prove sufficient. To illustrate it further seems unnecessary, as we have with us, and around us, almost daily instances of the fact, that, where we allow persons in our employment to have the opportunity of committing the most trifling acts of dishonesty, the habits grow so rapidly that dismissal or punishment of a public character necessarily follows.

22nd,—I was, at first sight, blamed by some of my friends for insisting on retaining this rule ; but, on consideration, they were compelled to admit its necessity. I ask my readers to put as a motto over their office-desks the principle here enunciated for their own guidance, as to their conduct, in reminding them of their liability to fall, and as a true guide in their dealings with their fellow-man :—*That what a man has done once, he may, and probably will, do again.*

23rd,—I commend what has been said on this head to the serious attention of all men in business who have arrived at the age of sixty, and can afford to retire.

CHOICE OF A HOUSE AND HOME.

I PURPOSE merely giving some short directions under this heading, so as to guide young persons, in

taking a house, as to the terms to be put in writing. I will suppose then that you have seen a house and approve of it, that the rent is agreed, and the term is to be a quarterly tenancy. If it is a new house, you will not require any guarantee from the landlord as to arrears of taxes; but if it has been previously occupied, take care that you get one in the form appended hereto. The following form will be found quite sufficient for all the practical purposes of a quarterly tenancy:—

AGREEMENT FOR QUARTERLY TENANCY.

Memorandum of agreement made this day of
18 , between A. B. of &c. and C.D. of &c.

The said A. B. agrees to let, and the said C. D. to take, the dwelling-house, No. , street, from the date hereof, from quarter to quarter, at the rent of £ per quarter, the said A. B. paying all rates and taxes. And it is also hereby agreed the said C. D. shall make good all damage done to the said house or fixtures otherwise than by fair wear and tear; and that the tenancy hereby created shall be a quarterly tenancy, determinable by either party on giving three months' notice, to expire at any quarter-day.

In witness, &c.

IF TO TAKE A HOUSE BY THE YEAR.

Memorandum of an agreement made and entered into this
day of , one thousand eight hundred and , between
A. B. of the one part and C. D. of the other part.

Witnesseth, the said A. B. doth hereby agree to let, and the said C. D. to take, all that messuage, tenement, or dwelling-house, with the appurtenances, situate and being No. , in street, in the parish of in the county of for the term of one year from the date hereof, and so on from year to year until one of the said parties shall give unto the other, in writing, six calendar months' notice to quit, at and under the

yearly rent of _____, payable without deduction, except on account of the landlord's property tax, in equal quarterly payments on the 25th day of March, the 24th day of June, the 29th day of September, and the 25th day of December, in each year, the first quarterly payment to be made on the day of _____ next; and the said C. D. doth hereby agree with the said A. B. that he, the said C. D., his executors or administrators, shall and will, from time to time, during the period that he or they shall continue to occupy the said messuage and premises under this agreement, keep repaired, at his or their own expense, all the windows, shutters, doors, locks, fastenings, bells, and all other fixtures in, upon, and belonging to the said premises, and leave the same in as good repair and condition as the same are now in, reasonable wear and tear, and accidents by fire, flood, and tempest, only excepted.

In witness whereof the said parties hereunto have set their hands the day and year above mentioned.

If you are about to take a house for three years, the following form will be sufficient if signed on the very day on which the three years commence:—

AGREEMENT FOR LETTING A HOUSE FOR THREE YEARS.

Memorandum of an agreement made this _____ day of _____ 18____, between A. B., of &c., of the one part, and C. D., of &c., of the other part.

The said A. B. hereby agrees to let, and the said C. D. to take, the house No. _____, street, in the parish of _____, in the county of _____, for the term of three years from the date hereof, at the yearly rent of £_____, payable without deduction, except for landlord's property tax, in equal quarterly payments, on the 25th day of March, the 24th day of June, the 29th day of September, and the 25th day of December in each year, the first quarterly payment to be made on the _____ day of _____ next. And the said C. D. doth hereby agree with the said A. B., that he, the said C. D., his executors or administrators, shall and will from time to time, during the period that he or they shall continue to occupy the said messuage or premises under this agreement, keep repaired at his or their expense all the windows,

window-shutters, doors, locks, fastenings, bells, and all other fixtures in, upon, and belonging to the said premises, and all the internal parts thereof, and so leave the same at the end of the said term, reasonable wear and tear, and accidents by fire, flood, and tempest only excepted. And also that he will not assign, underlet, or part with the possession of the said premises, without the consent in writing of the said A. B., nor use the same other than and except as a private dwelling-house. And the said A. B. agrees to keep all the external part of the premises in good repair. Provided always that the said term hereby agreed to be granted shall cease and determine, and the said A. B., his executors, administrators, or assigns shall have an immediate right of entry, in case the rent hereby reserved shall (being demanded) be in arrear more than twenty days next after any of the said quarterly days on which the same is payable; or in case the said C. D., his executors or administrators, shall, after notice, refuse to observe and perform the agreements and conditions hereinbefore mentioned, or shall assign, underlet, or part with the possession of the said premises, without such license as aforesaid; or in case the said C. D. shall become bankrupt, or take or attempt to take the benefit of any Act for the relief of insolvent debtors.

And, lastly, it is hereby agreed that if the said A. B., after the expiration of seven days' notice, shall not duly repair, or cause to be repaired, amended or reconstructed, any damage to the drains, water-pipes, roof, &c., actually necessary to the comfortable occupation of the said premises by the said C. D., that then he, the said C. D., shall be at liberty to call in proper workmen and to pay any expense to be incurred out of the rent next becoming due.

As witness, &c.

If, however, you want the agreement signed at once, and the three years is to commence at a future date—say this is the 1st February, and the tenancy is to commence on the 25th March—it will require the following addition; and, in fact, it will be an agreement for a lease, as no agreement can be made for more than three years, and the making counts

from the date on which it is signed, and not from the time the tenancy commences.

And, lastly, it is hereby agreed that this instrument shall operate as an agreement for a lease, and not as a lease.

This must be inserted immediately before "And witness, &c."

I once let a house to apparently a very "honourable gentleman" and "religious professor," who signed an agreement for three years a few days before the commencement of the actual term; and under the promise, on his part, that, although he did not, in his delicate state of health, like to bind himself for more than three years, yet there was no doubt whatever but he would remain for a longer term, as he had a great horror of moving, and had lived fourteen years in his last house. I made considerable alterations to suit his convenience. He had not long been in the house before he saw another near, which he liked better; and, on finding out that the agreement was void or useless, he left at the end of the first year, having given me six months' notice previously of his intention so to do. As to the morality of the act, my readers will judge for themselves. I only state the fact as it occurred.

GUARANTEE AS TO TAXES OR RATES IN ARREAR.

I, A. B., the owner (or agent for the owner) of a house, known as No. , street, in the parish of in the county of , in consideration of C. D. taking and occupying the said house or premises, as tenant, agree and undertake to indemnify him, the said C. D., from and against the payment of any rent, rates, taxes, or other impositions which may be in arrear, chargeable, or become due prior to his occupation.

As witness my hand the

18 .

Witness.

INSURANCES.

I AM not about to recommend you to insure, as I take it for granted that so plain a duty *will be done*, but to say how to do it in the best way. Life-insurances are best effected in some long-established office, where there is a large paid-up capital; and whether the office be a mutual one or not, it becomes you to see that it is a sound one. It would be very wrong of me to persuade persons not to join a new office at all; but my advice to young tradesmen is, you cannot afford to make experiments and take risks, therefore do not belong to any other than a well-known and thoroughly substantial office. Rather pay a slightly-increased premium, to be quite safe, than a low one without certainty. The offices, in their prospectuses, tell you of the great advantage it is to a young man to have his life insured; but, without going into these, I know and feel it is an immense comfort to be able to reflect, as you go through a tunnel or over a viaduct in a railway-carriage, that if anything happens to you your family is provided for.

Fire-insurances are most unjustly discountenanced by the Legislature, who exact double the sum as duty for allowing a man to insure himself from loss or ruin, and thus enable him to continue a producer of wealth to the nation or community, as the office which takes all the trouble and risk requires for the premium, to say nothing of the policy-stamp. Now, although the Government must be supported—and, in some respects, it does not much matter whether it comes out of our right or left-hand pocket—yet it is possible to impose a tax which may prove injudicious and hurtful. We

have now done with our window-duty, thus giving us the light of heaven in our dwellings without requiring a penalty on its rays, and adding to the health of many a home ; and I trust we shall soon also get rid of an impost which prevents many a man from making sure that, in the event of losing his goods by fire, he will not actually suffer in a pecuniary sense also. For the small sum of 100*l.*, the addition of 3*s.* to the 1*s.* 6*d.* does not appear very serious ; but when this is increased many times over, as it must be with a man's stock in trade, it amounts almost to a prohibition against insurance at all. Although expensive as the law stands now, I advise you, by all means, at any inconvenience, to insure for the full amount of your property, furniture, or stock in trade, and attend to the following hints in so doing :—See that your policy is a floating policy, and contains some such words as these—“To cover, to the amount so insured, all property now in or upon, or which may hereafter be in or upon, the premises ;”—although, in practice, the respectable London offices do not object to any fair claim up to *the amount insured*,—for you have no claim legally upon them, in the way the policies are usually made out, for any other property than was on the premises when the policy was effected. You should take care to insure the loss of rent also ; and, in the policy for your business-premises, the loss you will probably sustain through the interruption to your business, say for six months. In the event of a removal to another residence or place of business, at once get the office, or its agent, with whom you do the business, to endorse the fact on the back of your policy. And, lastly, you should pay your

premium on quarter-day itself, and not run the risk of taking the days of grace into account. I had an uncle who had insured in the Royal Exchange Office for twenty-five years, but when the Royal Exchange was burnt down he lost all his stock in trade in the conflagration, and found out, only too late, the next day, that his premium for the current year had not been paid. Take care that you do not act to vitiate your policy; the rules are on the back of it, and if you do not abide by them you have only yourself to blame in the event of a loss.

MAKING A WILL.

It seldom occurs that even a lawyer makes quite clear all the intentions of a person making a will, and even if he does, it too often happens that the maker's determination alters, and he adds a codicil himself, and thus makes a complete jumble of the whole affair. Every man who makes a will should be very careful as to its provisions, and I recommend him to have the draft from his lawyer, to think it over for at least a week, if time does not press, and to discuss its provisions with some near friend or relation, so as to satisfy himself thoroughly as to its justice. I have used the plain word 'justice' in preference to any other, as any man, I care not who he is, who has property to leave, simply hands over his stewardship at his death to others; and it is his duty, as far as in him lies, so to distribute the talents entrusted to him as to hope to do the most good to those nearest and dearest to him in this world. If a man makes a will at the time he ought to do, *the moment he gets married*, it would almost

invariably follow that whatever he possesses he would leave to his wife, for her sole use, without any restriction. Circumstances would, of course, decide a wise man as to the propriety of this course; but, as a general rule, no man should leave his property to be disposed of as his widow sees fit, and where there are children or poor relatives it is most unwise and unjust to do so. I hope the fair sex will forgive me for going so far as to say, that they are not only unfit to manage matters for themselves, but, from that very circumstance, are liable to become the *prey* of others. A man may fairly leave his income to his widow, but let the principal be untouched and inconvertible. When a person has practically felt in his own family the evil of a certain course, he is justified in warning others. My maternal grandfather left my grandmother the sole executrix of all he had, to do as she pleased with, and the result was that, although a great-grandmother, she preferred strangers to her own child; married a worthless fellow, who squandered away the greater part of her property, and, but for the timely interference and management of the writer in so arranging matters as to compel her to make over what was left, on being secured an annuity, the whole estate would have been sacrificed, and she must have died in the workhouse. It is not my province to set up as dictator in these matters; but I submit simple facts for the consideration of my readers.

I little thought, when writing my ideas as to an arbitration court for the settlement of disputes and avoiding lawsuits, that the principle I laid down—that a *responsible court for advice* should be established, and contended that it would greatly benefit

the community—would have been enunciated by the great organ of public opinion so broadly, in reference to a not less glaring and fruitful source of evil, as is so ably done in the following article. What vaccination has done in stopping the rage of small-pox, the plan proposed by *The Times* would effect in reference to Chancery suits and litigation as to wills. The small-pox does not now devastate our villages and towns, simply because a minute particle of matter has been introduced into the system, which acts as a repellent to the otherwise fearful infection; and so serious a point is it considered to be, that Government compels the adoption of this safeguard for the lives of its subjects. A very minute portion of common sense put into the shape of a will, drawn by a *responsible authority*, whose words and sentences, by an interpretation clause, should be held always to convey a certain meaning, would effectually stop the frightful amount of litigation now considered necessary to enable us to arrive at the real wishes or intentions of the testator. Poor, dear old souls, could they only come to life again, and see the money they have so carefully hoarded for the benefit of their families ruthlessly squandered, I, for one, would rather not be a lawyer, proctor, or barrister, at the time! Whether the Government alter the present state of things or not, surely it is possible for the public press to effect a reformation in such a fearful and glaring abuse. What I cannot possibly understand, is the existence of any class of men—more especially the very best-paid class—solely for the purpose of squabbling and being a frightful source of expense and anxiety to the community, when, by proper common-sense legis-

lation, nine-tenths of these locusts could be dispensed with altogether.

(*Times*, 24th Jan., 1861.)

Nearly half the business of the courts of law hangs upon the blunders made by testators. There may be more noisy and more interesting classes of cases. Breach-of-promise cases are more funny and contain choicer specimens of middle-class romance, the Divorce Court is infinitely more scandalous, running-down cases produce more hard swearing, and illegal distresses have their peculiar upholstery style of forensic eloquence; but for heaps of sterling coin, a good will-cause is the cause to delight the soul of a respectable solicitor. There stands the fund, like a plumpudding on the board, ready to be sliced. The bills of costs are heavy and are considerably taxed. There is no doubt or difficulty about their recovery; the losing party can't run away or take the benefit of the Act, and the winning party can't grumble about extra costs; the fund is in court, and as long as it lasts what can be merrier than to slice away at it? Does any one know of a family in which there has not been a will-cause? Is there any one who has not had a father or a brother or an uncle whose savings have been dissipated in a dispute as to who was entitled to them at his death? Would what is now left of Salisbury Plain hold a meeting of the legatees who have never got their legacies? It is not once or twice in a hundred cases, but it is the normal fact, that a laborious, stupid, thrifty man—and he is the man who never fails in the art of money-making—spends his life in rolling up a huge snowball of wealth, and then, in his stupid way, makes a blundering will. As soon as he dies, the great snowball is rolled first into the Probate Court, where, the temperature being rather mild, it melts in a deliberate and gentle way; but, being sufficiently reduced, it is rolled thence into the Court of Chancery, where the atmosphere is very hot, and the heir and the legatees, when they, a little while after, go to look at it and admire it, find that the lump is scarcely as large as that through which the itinerant Turks of Constantinople percolate their sherbet, and that it is flowing all away in a beautiful brook of costs.

This is one of the many evils we have become used to. It is working every day, yet no one complains. There is a curious

complacency in the resignation of an Englishman under certain inflictions. If they are respectable in age, and are worked by a respectable machinery, he looks upon their action rather as a dispensation of Providence. He laments, but he is not indignant, and it is not quite certain that he has any very good feeling towards those who would reform them. It must be admitted that his susceptibilities are not very often hurt in this respect. The authorities proceed very delicately in all such undertakings. When the Probate Court was established it struck the authors of that measure that very many of the disputes which break up devised estates arise from the custody of wills. A rich and rational man disposes of his property as simply as possible, has his will made by his attorney, and sends it to his bankers. But we are not all either very rich or very rational. Sometimes wills are found in strange places, and they have been known to be sent in anonymous letters. It was proposed, therefore, to establish a place of deposit and registry for the wills of living persons. The provision was duly passed, and the judge of the Court of Probate has just appointed the principal registry in Great Knight-riding-street, in Doctors'-Commons, to be the new office; and certain instructions have been issued as to the manner in which the deposit and registration shall be effected. For what we may call first-class wills there is no fault to be found with the regulations thus made. Perhaps it may be thought that twenty-six shillings is rather a heavy charge for taking a sealed envelope, and putting it into a box, and making a minute of its receipt. We believe the railway companies do the same thing for twopence. But let that pass. If the provision was intended for any other than first-class wills, it might be important; but, as it evidently is not, it is of little consequence. We know that it is a difficult question as to how far it is expedient to make the validity of a will depend upon formality, and how impossible it would be, without producing very grave inconvenience and very gross injustice, to make a deposit and registration of wills during the testator's lifetime compulsory,—that is to say, essential to their validity. We cannot, therefore, draw from this new institution the most obvious convenience which would seem at first sight to flow from it. We cannot upon a man's death, by searching this registry, make sure as to the fact whether he has made a will, and also be certain that his will is a

valid will in form, and is the last will in existence. This we cannot do, except by rendering void every will which is not deposited and registered. What we have done, therefore, is entirely permissive, is mere convenience; it is but depositing in a more regular way a class of wills usually deposited with bankers and solicitors.

Could we not go further than this? A very large estate may suffer a little melting in the Probate Court and a great thaw in the Court of Chancery, and still remain, like an avalanche among the Alps, a great substance; but the little estates disappear entirely under a moderate application of legal and equitable heat. As we are to have a registration of the wills of living persons, would it not be possible to make it available to the middle-class people, who only desire to make a simple and commonplace distribution of their property among their relatives, with such ordinary formalities that it may pass through Doctors' Commons unmolten? It seems to us that some simple machinery might be established whereby a man might walk into Great Knight-riding-street, and make his will, and have it witnessed and deposited and registered, just as easily as he might walk into a tavern and eat his dinner. But if this is too much like an affair of ordinary life, and if it militates too extravagantly against the ideas of lawyers, we would still ask whether it is impossible to adopt a very sensible suggestion which we yesterday inserted from Mr. Parkinson, who has some experience in such matters. Mr. Parkinson thinks that, instead of locking away and registering mere sealed packets, which, when opened, may turn out to be mere pieces of worthless paper, the registrar might be empowered to ascertain that the document he is registering is really a will; that is to say, that it is actually signed and witnessed in the form which the law requires in order to render the document of legal force. There may be some grave legal difficulty in this, although we confess we cannot see it. The public officer who is responsible for this duty need not read the will itself. His business is only with the signature and the attestation. If any one will only turn to the heading "Devise" in one of our old Indices, or to the heading "Will" in one of our current annual Digests, he will see how many cases there are turning upon subtle points as to whether a will is properly executed or properly attested. Even since the plain directions of the Wills Act, suits depending entirely upon these points

are by no means rare. Yet these contested cases are only a very small fraction of the instances in which wills are inoperative by reason of the non-fulfilment of the formalities required by law. People are and will be careless, and they are and will be presumptuous as to their knowledge of the law. In these cases the penalty falls, not upon them, but upon their posterity. Every one either is or hopes to be some day in a position to make a will, and there is, perhaps, no one who does not live in hope of some day receiving a legacy. We know no greater benefit in a small way to the population generally, than to have facilities offered to them to make a will which shall reduce to a *minimum* the chances of its becoming the parent of a lawsuit.

I must confess that I see no reason why the suggestion that paid officers should be appointed by Government to make people's wills, as *The Times* proposes, at a given office in London, might not be adopted. I would meet the difficulty as to the country, by having persons appointed in every town, as is the case now for married women's affidavits, &c., with power to refer any question they did not clearly understand to the central authority. Should some such idea as this be one day carried out, I would, *as prevention is better than cure*, have a draft of every proposed will submitted to the head authority in Doctors' Commons before it was executed, so that no cavilling could take place afterwards. *In fact, let them be as with some life-policies—indisputable.* In the cases where no time is to be lost, use the interpretation or common-sense system I suggest; and in the event of any question, there should be a reference to a chief officer of the court, who should act as arbitrator between the respective parties.

READER, I TRUST YOUR WILL MAY NOT BE DISPUTED.

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